

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 8 NUMBER 9

Washington, Thursday, January 14, 1943

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 6]

PART 1405—FRUITS AND VEGETABLES

CITRUS FRUIT REQUIRED TO BE SET ASIDE

Pursuant to authority vested in me by Executive Order No. 9280, issued December 5, 1942, and in order to assure an adequate supply of citrus fruit juice and other citrus fruit products to meet war requirements; *It is hereby ordered*, As follows:

§ 1405.2 *Citrus fruit*—(a) *Definitions*. For the purposes of this order:

(1) "Citrus fruit" means oranges, lemons, grapefruit, and limes, but does not include tangerines or any of the foregoing unfit for human consumption or for processing into juice.

(2) "Handler" means any person who first prepares citrus fruit for marketing in fresh form, but does not include any person engaged solely in harvesting or producing citrus fruit.

(3) "Processor" means any person in the business of extracting juice from citrus fruit for processing and packing for shipment as juice, concentrated or unconcentrated, for human consumption.

(4) "Producing area" means the States of California, Arizona, Texas, and Florida.

(5) "Shipping period" means one calendar week unless the Director shall otherwise specify by order.

(6) "Ship" means to deliver for transportation by any common, contract, private, or other carrier by rail, truck, or other means, and includes the placing of citrus fruit in any conveyance for transportation, but does not include delivery for transportation directly from groves to the place where fruit is first prepared for market, delivery for transportation to processors, or delivery to charitable uses.

(7) "Government agency" means any agency of the United States purchasing citrus fruit for processing into concentrated or unconcentrated juice for de-

livery to the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or to or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Land-Leave Act).

(8) "Director" means Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery of citrus fruit by handlers*. (1) Without regard to existing contracts, every handler in the producing area or such portions thereof as the Director may designate, shall, during each shipping period, set aside for the requirements of Government agencies and processors a quantity equal to such percentage as the Director may from time to time order of each type and variety of citrus fruit shipped by such handler during such period or the shipping period immediately preceding such period. The quantities of citrus fruit set aside during each period shall be retained by each handler for such length of time for each type and variety as the Director may order. Such set aside fruit shall be retained and stored under conditions customarily observed in the storage of citrus fruit.

(2) Citrus fruit set aside pursuant to this order may be sold or delivered at any time to any Government agency or to any processor or may at any time be processed by the handler into citrus fruit juice, subject to all orders restricting and regulating the production of such juice.

(3) If no Government agency has contracted for or declared its intention to contract for any portion of citrus fruit set aside and if no processor has contracted for any portion thereof prior to the expiration of the time specified by the Director for the holding of such fruit, such fruit shall be released from the restrictions of this order. Quantities set aside may also be released at any time by notice to that effect from the Director.

(c) *Restriction on processors*. No processor shall sell or deliver into fresh fruit channels any citrus fruit which at any time was set aside under this order by any handler.

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:	Page
Shelby Coal Co., hearings (2 documents).....	551
COAST GUARD:	
Casualty and voyage records, correction.....	550
FEDERAL COMMUNICATIONS COMMISSION:	
Rate increases by common carriers.....	550
FOOD DISTRIBUTION ADMINISTRATION:	
Chicory, packaged; restriction on sale and delivery (FDO 5).....	512
Citrus fruit (FDO 6).....	511
INTERNAL REVENUE BUREAU:	
Excess profits tax.....	513
Income tax; commodity credit loans.....	513
OFFICE OF DEFENSE TRANSPORTATION:	
War necessity certificates:	
Commercial motor vehicles (ODT 21, Am. 4).....	551
Special trailers; partial exemption (ODT 21-4).....	551
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, etc.:	
Carbic Color and Chemical Co., Inc.....	550
Chrysler Corp.....	553
Coca Cola Bottling Co.....	551
Fruit Belt Motor Service, Inc.....	550
Lilly, Eli, and Co.....	543
Monanto Chemical Co.....	542
Neptune Manufacturing Co.....	550
Smith, C. K., and Co.....	552
Virginia Apple Storage, Inc.....	549
Vulcan Corp.....	550
Weinstein, J., and Sons, Inc.....	552
Williams Furniture Co.....	552
Bicycles (Rev. Ration Order 7, Am. 7).....	534
Building materials, etc. (MPR 123, Am. 4).....	537
Burley tobacco, Type 31 (MPR 203, Am. 1).....	533
Citrus fruits, sales by packers, etc. (MPR 232, Am. 1).....	543
Coffee and coffee compounds (Supp. Reg. 14, Am. 85).....	537
Farm equipment (MPR 246, Am. 3).....	544
Food products; sales at retail (MPR 233, Am. 2).....	532

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the **FEDERAL REGISTER**.

Telephone information: DIstrict 0525.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.		Page
Fuel oil (Ration Order 11, Am. 24).....		535
Hogs and wholesale pork cuts, dressed (MPR 148, Am. 1).....		544
Honey, extracted: (MPR 275, Am. 1).....		542
(MPR 275, Am. 2).....		542
Machines and parts and machinery services (MPR 136, Am. 66).....		534
Puerto Rico; gasoline (Ration Order 5B, Am. 12).....		534
Puerto Rico; sales of rice, pork, etc. (MPR 183, Am. 16, Corr.).....		542
Rent regulations; procedure for adjustments, amendments, etc. (Rev. Procedural Reg. 3).....		526
Rubber footwear, men's (Ration Order 6, Am. 8).....		548
Tissue paper products (MPR 266, Am. 2).....		531
SECURITIES AND EXCHANGE COMMISSION:		
Hearings, etc.: Republic Service Corp.....		553
Standard Power and Light Corp. and Standard Gas and Electric Co.....		553
WAR PRODUCTION BOARD:		
Cans (M-81).....		516
Collapsible tubes (M-115).....		521
Hardware simplification (L-236, Schedule 1, Am. 1).....		526
Priorities system; special sales of idle or excess materials (Priorities Reg. 13, Int. 1).....		516
Processors of metal scrap (P-136).....		524
Stop construction orders (6 documents).....		554-556

CONTENTS—Continued

WAR PRODUCTION BOARD—Con.		Page
Suspension order: Rhodes Bakery Equipment Co.....		515
Textile and paper shipping bags (M-221).....		523

(d) *Records and reports.* Every handler and every other person to whom this order applies shall maintain such records for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and within such times and upon such forms as he may prescribe.

(e) *Audits and inspections.* Every handler and every other person to whom this order applies shall permit inspection of his stocks of citrus fruit, of his premises used for the handling and storage of citrus fruit, and of his books, records and accounts by the Director.

(f) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth, in his petition, all pertinent facts and the reasons why the relief requested should be granted. The Director may, upon the basis of such petition and any other information, take such action as he deems appropriate, and such decision by the Director shall be final.

(g) *Violations.* Any person who willfully violates any provision of this order or, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the United States Department of Agriculture, Washington, D. C., Ref: FD 6.

(i) *Delegation of authority.* The Director is hereby designated and authorized to administer the provisions hereof and to issue all orders necessary to the effectuation of the purposes and provisions of this order. The Director shall have final authority for the purposes of this order to determine whether any particular lot of oranges, grapefruit, lemons, or limes is fit for human consumption or for processing into juice.

(j) *Effective date.* This order shall be effective on January 13, 1943.

(Authority: E.O. 9280, 7 F.R. 10179.)

Issued this 12th day of January 1943.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-602; Filed, January 12, 1943; 3:47 p. m.]

[Food Distribution Order 5]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

RESTRICTING THE SALE AND DELIVERY OF PACKAGED CHICORY

Pursuant to Executive Order No. 9280, issued December 5, 1942, and in order to assure an adequate supply and efficient distribution of chicory; *It is hereby ordered*, As follows:

§ 1490.1 *Sales and delivery of packaged chicory restricted—(a) Definitions.* For the purposes of this order:

(1) "Processor" shall include any person, firm or corporation engaged in the business of processing or packaging chicory.

(2) "Packaged chicory" shall mean chicory in consumer size packages intended for or suitable for retail distribution.

(3) "Chicory" shall mean roasted chicory whether granulated or in rolls or in compressed tablets or in any other form.

(4) "Director" shall mean and include the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restriction on sales of packaged chicory.* No processor shall sell, during the calendar year beginning January 1, 1943, packaged chicory in a quantity which bears a higher ratio to his total sales of chicory during such period than the ratio which his total sales of packaged chicory during the calendar year 1941 bore to his total sales of chicory during said calendar year. No processor shall, during any three month period beginning January 1, 1943, deliver more than one-fourth of his 1943 permissible sales of packaged chicory.

(c) *Records and reports.* All processors affected by this order shall maintain such records for such periods of time, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(d) *Audits and inspections.* Every processor shall permit inspection during reasonable business hours of his books, records, and accounts by the Director.

(e) *Appeals.* Any processor affected by this order who considers that compliance herewith would work an exceptional and undue hardship on him may appeal in writing to the Director, setting forth all pertinent facts in justification of such appeal, together with a statement of the nature of the relief requested. The Director may, upon the basis of such appeal and other information, take such action as he deems appropriate.

(f) *Violations.* Any person who willfully violates any provision of this order or, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any person who, in the judgment of the Director, is found

to have violated any of the terms or provisions of this order may be prohibited from making or obtaining further deliveries of chicory, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Communications.* All reports that may be required to be filed hereunder and all communications in connection herewith shall, unless otherwise directed, be addressed to the United States Department of Agriculture, Food Distribution Administration, Washington, D. C. Ref.: FD 5.

(h) *Effective date.* This order shall be effective on January 13, 1943.

(Authority: E.O. 9280, 7 F.R. 10179.)

Issued this 12th day of January 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-601; Filed, January 12, 1943;
3:47 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T.D. 5213]

PART 20—MISCELLANEOUS REGULATIONS UNDER THE REVENUE ACT OF 1939

INCOME TAX

Treasury Decision 4918 amended to conform to section 154 (b) of the Revenue Act of 1942, relating to commodity credit loans.

In order to conform Treasury Decision 4918, approved October 7, 1939, [Part 20, Title 26, Code of Federal Regulations, 1939 Sup.] to section 154 (b) of the Revenue Act of 1942 (Public Law 753, Seventy-seventh Congress), approved October 21, 1942, such Treasury Decision is amended as follows:

PARAGRAPH 1. Section 20c.0 is amended by inserting immediately after section 223 of the Revenue Act of 1939 set forth therein the following:

SEC. 154. COMMODITY CREDIT LOANS. (Revenue Act of 1942, Title I.)

(b) *Taxable years subject to prior laws.* Section 223 (d) of the Revenue Act of 1939 is amended by striking out "within one year from the date of the enactment of this Act" and inserting in lieu thereof "at or prior to the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning".

PAR. 2. Section 20c.2 [20.52] is amended by striking out "June 29, 1940", and inserting in lieu thereof "at or prior to the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning".

(Sec. 154 (b) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.), and sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] GUY T. HELWING,
Commissioner of Internal Revenue.

Approved: January 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-621; Filed, January 13, 1943;
10:23 a. m.]

[T.D. 5212]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

EXCESS PROFITS TAX

Regulations 109 amended to conform to section 227 of the Revenue Act of 1942 (Public Law 753, 77th Congress).

Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.734-1 the following:

SEC. 227. AMENDMENTS TO SECTION 734. (Revenue Act of 1942, Title II.)

(a) *In General.* Section 734 is amended to read as follows:

SEC. 734. ADJUSTMENT IN CASE OF POSITION INCONSISTENT WITH PRIOR INCOME TAX LIABILITY.

(a) *Definitions.* For the purposes of this section:

(1) *Taxpayer.* The term "taxpayer" means any person subject to a tax under the applicable revenue Act.

(2) *Income tax.* The term "income tax" means an income tax imposed by Chapter 1 or Chapter 2A of this title; Title I and Title IA of the Revenue Acts of 1939, 1939, and 1934; Title I of the Revenue Acts of 1932 and 1923; Title II of the Revenue Acts of 1926 and 1924; Title II of the Revenue Acts of 1921 and 1918; Title I of the Revenue Act of 1917; Title I of the Revenue Act of 1916; or section II of the Act of October 3, 1913; a war profits or excess profits tax imposed by Title III of the Revenue Acts of 1921 and 1918; or Title II of the Revenue Act of 1917; or an income, war profits, or excess profits tax imposed by any of the foregoing provisions, as amended or supplemented.

(3) *Prior taxable year.* A taxable year beginning after December 31, 1939, shall not be considered a prior taxable year.

(4) The term "predecessor of the taxpayer" means:

(A) A person which is a component corporation of the taxpayer within the meaning of section 740; and

(B) A person which on April 1, 1941, or at any time thereafter, controlled the taxpayer. The term "controlled" as herein used shall have the same meaning as "control" under section 112 (b), and

(C) Any person in an unbroken series ending with the taxpayer if subparagraph (A) or (B) would apply to the relationship between the parties.

(b) *Circumstances of adjustment.*

(1) If:

(A) In determining at any time the tax of a taxpayer under this subchapter an item affecting the determination of the excess profits credit is treated in a manner inconsistent with the treatment accorded such item in the determination of the income-tax liability of such taxpayer or a predecessor for a prior taxable year or years, and

(B) The treatment of such item in the prior taxable year or years consistently with the determination under this subchapter would effect an increase or decrease in the amount of the income taxes previously determined for such taxable year or years, and

(C) On the date of such determination of the tax under this subchapter correction of the effect of the inconsistent treatment in any one or more of the prior taxable years is prevented (except for the provisions of section 3201) by the operation of any law or rule of law (other than section 3701, relating to compromises),

then the correction shall be made by an adjustment under this section. If in a subsequent determination of the tax under this subchapter for such taxable year such inconsistent treatment is not adopted, then the correction shall not be made in connection with such subsequent determination.

(2) Such adjustment shall be made only if there is adopted in the determination a position maintained by the Commissioner (in case the net effect of the adjustment would be a decrease in the income taxes previously determined for such year or years) or by the taxpayer with respect to whom the determination is made (in case the net effect of the adjustment would be an increase in the income taxes previously determined for such year or years) which position is inconsistent with the treatment accorded such item in the prior taxable year or years which was not correct under the law applicable to such year.

(3) *Burden of proof.* In any proceeding before the Board or any court the burden of proof in establishing that an inconsistent position has been taken (A) shall be upon the Commissioner, in case the net effect of the adjustment would be an increase in the income taxes previously determined for the prior taxable year or years, or (B) shall be upon the taxpayer, in case the net effect of the adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years.

(c) *Method and effect of adjustment.*

(1) The adjustment authorized by subsection (b), in the amount ascertained as provided in subsection (d), if a net increase shall be added to, and if a net decrease shall be subtracted from, the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent position is adopted.

(2) If more than one adjustment under this section is made because more than one inconsistent position is adopted with respect to one taxable year under this subchapter, the aggregate adjustments, each an amount ascertained as provided in subsection (d), shall be aggregated, and the aggregate net increase or decrease shall be added to or subtracted from the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent positions are adopted.

(3) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to one taxable year under this subchapter, result in an aggregate net increase, the tax imposed by this subchapter shall in no case be less than the amount of such aggregate net increase.

(4) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to a taxable year under this subchapter (hereinafter in this paragraph called the current taxable year), result in an aggregate net decrease, and the amount of such decrease exceeds the tax imposed by this subchapter (without regard to the provisions of this section) for the current taxable year,

such excess shall be subtracted from the tax imposed by this subchapter for each succeeding taxable year, but the amount of the excess to be so subtracted shall be reduced by the reduction in tax for intervening taxable years which has resulted from the subtraction of such excess from the tax imposed for each such year.

(d) *Ascertainment of amount of adjustment.* In computing the amount of an adjustment under this section there shall first be ascertained the amount of the income taxes previously determined for each of the prior taxable years for which correction is prevented. The amount of each such tax previously determined for each such taxable year shall be (1) the tax shown by the taxpayer, or by the predecessor, upon the return for such prior taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (2) if no amount was shown as the tax by such taxpayer or such predecessor upon the return, or if no return was made by such taxpayer or such predecessor, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the increase or decrease in each such tax previously determined for each such year which results solely from the treatment of the item consistently with the treatment accorded such item in the determination of the tax liability under this subchapter. To the increase or decrease so ascertained for each such tax for each such year there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, for such prior taxable year. Such interest shall be computed to the fifteenth day of the third month following the close of the excess profits tax taxable year with respect to which the determination is made. There shall be ascertained the difference between the aggregate of such increases, plus the interest attributable to each, and the aggregate of such decreases, plus the interest attributable to each, and the net increase or decrease so ascertained shall be the amount of the adjustment under this section with respect to the inconsistent treatment of such item.

(e) *Interest in case of net increase or decrease:*

(1) If an adjustment under this section results in a net decrease, or more than one adjustment results in an aggregate net decrease, the portion of such net decrease or aggregate net decrease, as the case may be, subtracted from the tax which represents interest shall be included in gross income of the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

(2) If an adjustment under this section results in a net increase, or more than one adjustment results in an aggregate net increase, the portion of such net increase or aggregate net increase, as the case may be, which represents interest shall be allowed as a deduction in computing net income for the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

(b) *Taxable years to which applicable.* The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1939.

PAR. 2. Section 30.734-1 (b), as added by Treasury Decision 5045, approved May 3, 1941, and amended by Treasury

Decision 5112, approved January 26, 1942, is further amended by striking out subparagraph (2) and inserting in lieu thereof the following:

(2) The term "predecessor of the taxpayer" shall have the meaning assigned to such term by section 734 (a) (4). It is specifically provided that the term "controlled" as used in such definition shall have the same meaning as "control" under the definition contained in section 112 (b). Accordingly, a person is a predecessor of the taxpayer if, on April 1, 1941, or at any time thereafter, such person owned stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the taxpayer. For the purpose of section 734 it is immaterial that such control did not exist during the taxable year in respect of which the incorrect treatment of the item or transaction occurred, or during the taxable year in respect of which the inconsistent position is adopted in the determination of the excess profits credit of the taxpayer.

Any person which is a component corporation of the taxpayer under the definition contained in section 740 is a predecessor of the taxpayer within the meaning of section 734. Such person may be a corporation, partnership or a sole proprietor. Any such component corporation is a predecessor of the taxpayer irrespective of the method employed in computing the excess profits credit of the taxpayer.

Under the terms of the definition, any person which is a predecessor of a predecessor in an unbroken series ending with the taxpayer is a predecessor of the taxpayer within the meaning of section 734.

The limitation of the term "predecessor of the taxpayer" to certain cases, and the resulting exclusion of other cases, should not be construed to affect the established judicial doctrines commonly known as estoppel, recoupment,

set-off, etc. which may be applied by the courts in appropriate cases.

PAR. 3. Section 30.734-2, as added by Treasury Decision 5045 and amended by Treasury Decision 5112, is further amended by inserting at the end thereof the following paragraph:

The rule relative to the burden of proof to establish, in any board or court proceeding, that an inconsistent position has been taken, is prescribed in section 734 (b) (3). If the net effect of the adjustment by reason of the alleged inconsistency would be an increase in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the Commissioner. If the net effect of such adjustment would be a decrease in the income taxes previously determined for the prior taxable year or years, the burden of proof is upon the taxpayer. Inasmuch as the adjustment under section 734 is a factor in the determination of the excess profits tax liability, the provisions relative to the burden of proof in a Board or court proceeding do not relieve the taxpayer from responsibility for a full disclosure of the facts necessary to the correct determination of the tax liability.

PAR. 4. Section 30.734-3, as added by Treasury Decision 5045, is amended by inserting immediately preceding the last paragraph thereof the following:

If the authorized adjustments with respect to one excess profits tax taxable year result in an aggregate net decrease and the amount of such decrease exceeds the excess profits tax (computed without regard to the provisions of section 734) for such year, the excess may be carried over and subtracted from the excess profits tax in each succeeding taxable year until such excess is exhausted. If excesses result from adjustments with respect to two or more excess profits tax taxable years, such excesses shall be carried over in the order of their occurrence.

Example.

	1942	1943	1944	1945	1946	1947
Tax (computed without regard to provisions of section 734).....	\$10,000	\$20,000	\$15,000	\$7,000	\$3,000	\$3,000
Aggregate net decrease under section 734.....	(40,000)		(20,000)			
Excess.....	(\$30,000)		(5,000)			

(1) The \$30,000 excess from 1942 will be subtracted from the tax of \$20,000 for 1943; the remaining \$10,000 will not be subtracted from any 1944 tax since such tax has been absorbed by the \$20,000 net decrease for that year; such remaining \$10,000 will, however, be subtracted from the \$7,000 tax for 1945, and the \$3,000 tax for 1946.

(2) The full \$5,000 excess from 1944 will be subtracted from the tax of \$8,000 for 1947 since the excess from 1942 has been exhausted in 1946 and the tax for 1946 has been reduced to zero.

striking out the example and inserting in lieu thereof the following:

Example. In December 1934, the X Corporation in pursuance of a plan of reorganization transferred all of its assets except cash to the Y Corporation in exchange for all of the stock of the Y Corporation, such stock having a fair market value of \$300,000. The assets transferred, consisting of real estate and securities, had an adjusted basis in the hands of the X Corporation of \$400,000. Among such assets was a building, which was acquired by the X Corporation in 1924, and which had an adjusted basis in the hands of the X Corporation of \$100,000 and an estimated remaining life of 20 years. The building had a fair market value of \$80,000 at the time of the transfer. Both corporations make

PAR. 5. Section 30.734-4, as added by Treasury Decision 5045, is amended by

their returns on the calendar year basis. The exchange was treated as taxable and the loss of \$100,000 realized by the X Corporation was recognized. For each of the years 1935 to 1941, inclusive, the Y Corporation was allowed a deduction for depreciation in the amount of \$4,000 computed on the cost basis of \$80,000. In its excess profits tax return for the calendar year 1942, the Y Corporation claimed that the assets acquired from the X Corporation should have a basis of \$400,000 for invested capital purposes, including a basis of \$100,000 for the building, and claimed a deduction of \$5,000 for depreciation on the building for such year. This position was based upon the contention that the 1934 exchange was a nontaxable reorganization, resulting from the acquisition by Y Corporation in exchange solely for its voting stock of substantially all of the properties of X Corporation; and that the basis in the hands of the Y Corporation of the assets acquired upon the exchange was the same as the adjusted basis in the hands of the transferor. Timely claims for refund based upon the allowance of additional deductions for depreciation for the taxable years 1939, 1940 and 1941 were filed. The statute of limitations prevents any refund of overpayments or assessment of deficiencies for the taxable years 1934 to 1938, inclusive. The Commissioner's determination of the excess profits tax liability for the calendar year 1942 adopts the inconsistent position asserted by the Y Corporation and, accordingly, if the computation under section 734 (d) discloses a net increase in the taxes previously determined for the taxable years for which correction is prevented, an adjustment is authorized under the provisions of section 734.

The X Corporation was not subject to the income tax imposed by Title IA of the Revenue Act of 1934. Its tax previously determined for the taxable year 1934 is \$4,125.00 computed upon an income of \$30,000. The corporation omitted from its gross income an item of rental income amounting to \$3,000 and neglected to take a deduction for interest amounting to \$1,500. During the taxable year it realized a gain of \$10,000 from the sale of a capital asset.

The increase in the tax of the X Corporation previously determined for 1934, plus the interest thereon, is computed as follows:

Tax previously determined for 1934	\$4,125
Net income for 1934 upon which tax previously determined was based	30,000
Plus: Capital loss previously allowed (limited to capital gain plus \$2,000)	12,000
Net income	42,000
Tax as recomputed	5,775
Tax previously determined	4,125
Increase in tax previously determined	1,650
Interest on increase in tax	793
Total increase for 1934	2,443

In accordance with the provisions of section 734 (d), the recomputation does not take into consideration the item of \$3,000, representing rental income which was omitted from gross income, or the item of \$1,500, representing interest paid, for which no deduction was allowed.

The Y Corporation was not subject to the income tax imposed by Title IA of the Revenue Acts of 1934, or 1936, or 1938. The decrease in the tax of the Y Corporation previously determined for each of the taxable years 1935, 1936, 1937, and 1938, which results solely from the allowance of an additional deduction of \$1,000 for the depreciation in each

of such years, plus the interest on each such decrease, is assumed to be as follows:

Year	Tax	Interest	Total
1935	\$17.49	\$2.75	\$20.25
1936	22.69	3.69	26.38
1937	22.69	4.99	27.68
1938	12.69	2.09	14.78

The amount of the adjustment to be added to the excess profits tax of the Y Corporation otherwise determined for the taxable year 1942 is as follows:

Increase for 1934	\$2,442.00
Less: Decrease for 1935	20.25
Decrease for 1936	26.38
Decrease for 1937	27.68
Decrease for 1938	14.78
	1,016.05
Net increase (amount of adjustment authorized)	1,425.95

PAR. 6. There is inserted immediately after § 30.734-4 the following:

§ 30.734-5 *Interest*. The portion of an adjustment under section 734 which represents interest is characterized as interest for certain tax purposes and is includible in gross income, or allowable as a deduction in computing net income, as the case may be, for the taxable year in which falls the date prescribed for the payment of the excess profits tax for the taxable year to which the adjustment or, in the case of an adjustment involving a carry-over, the portion of such adjustment is applied, regardless of the method of accounting employed by the taxpayer. The date prescribed for payment of the tax is, in the case of a domestic corporation, the 15th day of the third month following the close of the taxable year and, in the case of a foreign corporation not having an office or place of business in the United States, the 15th day of the sixth month following the close of the taxable year, except that, in the case of a taxable year ending before December 31, 1940, the date prescribed for payment of the tax of either a domestic or a foreign corporation is March 15, 1941.

Under the rule prescribed, if the adjustments in respect of an excess profits tax taxable year result in a net increase, or an aggregate net increase, the portion of such increase which represents interest shall be allowed as a deduction in computing net income for the succeeding taxable year. Thus, under the facts set forth in the example contained in § 30.734-4, the portion of the net increase which represents interest is \$543.45 (interest on increases, \$792.00, minus interest on decreases, \$248.55), and such interest is allowable as a deduction in computing net income for the calendar year 1943.

If the adjustments in respect of an excess profits tax taxable year result in a net decrease, or an aggregate net decrease, the interest contained in that portion of such decrease which is subtracted from the tax for any taxable year shall be included in the gross income for the succeeding taxable year. For such purpose, no portion of the amount subtracted in any taxable year shall be deemed to represent interest

until the portion of the net decrease which represents tax has been exhausted.

Example. For the calendar year 1942, Corporation X had an excess profits tax liability of \$3,000 (computed without regard to section 734) and an authorized adjustment under section 734 resulting in a net decrease of \$12,000 of which \$3,000 represents tax and \$4,000 represents interest. In giving effect to the adjustment, \$3,000 will be subtracted from the tax for 1942 and the balance will be carried over to succeeding taxable years. Since \$3,000 of the net decrease represents tax, only \$1,000 of the amount subtracted in 1942 represents interest and hence \$1,000 will be included as interest in the taxpayer's gross income for 1943. The entire amount of the \$3,000 to be carried over and subtracted from the tax for a succeeding taxable year represents interest since the portion of the net decrease which represents tax is exhausted in 1942.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and sec. 227 of the Revenue Act of 1942 (Public Law 753, 77th Congress))

[SMALL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 12, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[P. R. Doc. 43-623; Filed, January 13, 1943; 10:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter D—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-175]

RHODES BAKERY EQUIPMENT CO.

Paragraph (a) of § 1010.175, *Suspension Order S-175*, issued December 10, 1942, is hereby amended to read as follows:

(a) Deliveries of material to H. C. Rhodes Bakery Equipment Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to H. C. Rhodes Bakery Equipment Company by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Regional Compliance Chief, San Francisco Regional Office, War Production Board.

(P.D. Reg. 1, as amended, 6 F.R. 6930; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9049, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 83 and 537, 77th Cong.)

Issued this 12th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[P. R. Doc. 43-693; Filed, January 12, 1943; 4:04 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Interpretation 1 to Priorities Regulation 13 as Amended to Sept. 23, 1942]

The following official interpretation is hereby issued with respect to § 944.34 of Priorities Regulation No. 13, as amended to September 23, 1942:

Priorities Regulation No. 13 deals with special sales of idle or excess materials. Paragraph (c) (3) of the regulation provides that any person may, subject to paragraph (e) of the regulation, make a special sale of any war material to another person engaged in the same business as the seller if an order or other action of the Director applicable generally to the persons engaged in such business expressly permits such a sale. Several orders of the War Production Board have been issued allowing special sales under this section. Among such orders are L-97-a-1, dealing with railroad equipment, P-46, dealing with utilities, P-98-c, dealing with petroleum operators, and L-49, dealing with beds, springs and mattresses.

These orders do not remove the material which they affect from the operation of other provisions of Priorities Regulation No. 13. Other special sales of material permitted by Priorities Regulation No. 13 may be made notwithstanding the issuance of orders referring to paragraph (c) (3) of the regulation. Likewise, any specific requirements of inventory or other reports must be complied with, and any idle or excess materials remain subject to redistribution programs of the War Production Board. The issuance of the orders referred to above merely provides an additional channel within which idle and excess stocks may be redistributed.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-639; Filed, January 13, 1943;
11:21 a. m.]

PART 1068—CANS

[Conservation Order M-81, as Amended
Jan. 13, 1943]

§ 1068.1 Conservation Order M-81—

(a) *Definitions.* (1) "Can" means any unused container which is made in whole or in part of tinplate, terneplate, blackplate, or waste, and which is suitable for packing any product. The term includes any container closure or fitting made in whole or in part of tinplate, terneplate, blackplate, or waste, but does not include a closure or fitting to be used on or as a part of a glass container. The term does not include fluid milk shipping containers, as defined in Conservation Order M-200.

(2) "Tinplate" means sheet steel coated with tin, and includes "primes", "seconds", "waste-waste", and all other forms of tinplate except waste.

(3) "Terneplate" means sheet steel coated with a lead-tin alloy, and in-

cludes "primes", "seconds", "waste-waste", and all other forms of terneplate except waste.

(4) "Blackplate" means any sheet steel 29 gauge or lighter, other than tinplate or terneplate. The term includes "rejects" and all other forms of blackplate except waste.

(5) "Waste" means scrap tinplate, terneplate, and blackplate, produced in the ordinary course of manufacturing cans.

(6) "Pack", unless particularly specified, means the quantity, by area measurement, of tinplate, terneplate, and blackplate required for the manufacture of all sized cans used by a person for packing a particular product during the base period specified.

(b) *Restrictions upon manufacture, sale, and delivery of cans.* (1) No person shall sell or deliver any can except under a purchase order or contract validated by a delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A. No person shall manufacture, sell, or deliver any can which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall manufacture any can smaller than 5 gallons, with ears, bails, or handles.

(c) *Restrictions upon purchase, acceptance of delivery, and use of cans.* (1) No person shall, during the calendar year 1943 (or the seasonal year 1942-1943, when specified), purchase, accept delivery of, or use for packing a product any can except to the extent permitted in Schedules I, II, and III, attached to this order: *Provided, however,* That a jobber or retail store may obtain and sell cans in conformity with the provisions of this order.

(2) The schedules attached to this order list the only products permitted to be packed in cans, packing quotas, sizes of cans, and the kinds of plate permitted for the manufacture of cans.

The calendar year basis shall obtain except for products for which a seasonal year is specified. A seasonal year for a particular product represents a twelve months' period beginning in one calendar year and ending in the next.

The sizes of the can specified for a particular product indicate the only sized cans which may be used for packing that product, except that such product may, subject to all other restrictions imposed by this order, be packed in cans larger than the largest size specified therefor.

When tinplate is specified for the manufacture of cans for packing a particular product, the coating indicated represents the maximum weight of tin coating per single base box. When SCMT is specified, Special Coated Manufacturers' Terneplate is referred to. When blackplate is specified, the specification includes chemically treated blackplate (CTB).

(3) No product packed in a can shall be repacked for sale in a can or any other container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in the schedule attached to this order.

(4) No dried or frozen fruit or vegetable shall be packed in a can, except to the extent specifically permitted in the schedules attached to this order.

(d) *Exceptions.* (1) The restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of the following cans:

(i) Cans for packing any product which is not to be sold.

(ii) Fiber or paper bodied cans with ends made of waste, for packing any food product for human consumption, and antiseptic or medicinal powders.

(iii) Cans for packing any product not listed in the schedules attached to this order, when such cans were completely manufactured on or before December 9, 1942, or when all the component parts for such cans were cut to individual size or were partially assembled before said date: *Provided,* That this paragraph (d) (1) (iii) shall not apply when such cans can be used for any products otherwise permitted by this order, and provided that this paragraph (d) (1) (iii) shall not apply to open-top sanitary cans.

(iv) Cans for packing any product not listed in the schedules attached to this order, when such cans are to be delivered pursuant to a letter of intent approved by, or a purchase order or contract negotiated for or with the Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States.

(2) Notwithstanding the restrictions pertaining to the size of cans or the materials from which cans may be manufactured, but subject to quota restrictions imposed by this order, a person may use for packing any product listed in the schedules attached to this order, any cans which were completely manufactured on or before December 9, 1942, or any cans for which all component parts were lithographed, cut, or otherwise prepared for assembly, on or before said date.

(3) No certificate shall be required for the sale or delivery of cans to any purchaser who has already filed a certificate with his seller under Conservation Order M-81.

(e) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(3) *Communications.* All reports required to be filed hereunder and all com-

munications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, D. C. Ref.: M-81.

(4) **Violations.** Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further delivery of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) **1942 Calendar year pack.** Until December 31, 1942, no person packing on a calendar year basis shall purchase, accept delivery of, or use any can for packing any product except in accordance with Conservation Order M-81, as amended June 27, 1942, (including amendments thereto).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E. O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

PURCHASER'S CERTIFICATE

One copy of this certificate is to be delivered to each person from whom purchases are made of cans made in whole or in part of tinplate, terneplate, blackplate, or waste. Such certificate shall cover all purchases present and future so long as Conservation Order M-81, in its present form or as it may be amended from time to time, remains in effect.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-81, as heretofore amended, and that during the life of such order he will not use or sell any can purchased from

(Name of Seller)

(Address of Seller)

pursuant to this or future purchase orders or contracts, in violation of terms of such order.

Date _____

(Legal name of Purchaser)

By _____

(Authorized Official)

(Title of Official)

(Address of Purchaser)

Section 35A of the U. S. Criminal Code (18 U. S. C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CANS

Note: Items 20 and 37 amended January 13, 1943.

(1) Packing quotas specified in this Schedule I indicate total packs of the respective products listed, for all purposes including cans required by any order of the Director General for Operations, to be packed for purchase by a Government Agency. The designation "M-81" indicates that cans may be used for packing only the quantity of product required to meet the quota by Order M-81, as amended from time to time.

(2) All persons manufacturing cans shall, to the product extent available, use 0.51 tinplate wherever the single asterisk appears, and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisks, are hereby required to export from the manufacturer's delivery, to the packing extent available up to 75 percent of the delivery, cans made as specified of 0.51 tinplate wherever the single asterisk appears, and cans made as specified of chemically treated blackplate wherever the double asterisk appears.

Product	Packing quota	Can sizes	Can materials	
			Body	End
VEGETABLES AND FRUIT PRODUCTS				
1. Apples, including crabapples. Whole apples not to be packed.	M-81	12	1.25 tin	1.25 tin
2. Apple sauce including sauce from crabapples	M-81	2-10	1.25 tin	1.25 tin
3. Apricots. Whole, packed not to be packed.	M-81	2-10-12	1.25 tin	1.25 tin
4. Blackberries, black raspberries, boysenberries, loganberries, and yearberries, when packed as berries. Quota applicable to each kind of berry respectively.	M-81 1942	2-10-12	1.25 tin	1.25 tin
5. Blackberries or huckleberries	M-81	12	1.50 tin	1.50 tin
6. Cherries, other than white.	M-81 1942	2-10-12	1.50 tin	1.50 tin
7. Cherries, white	M-81 1942	2-10-12	1.25 tin	1.25 tin
8. Fruit cocktail, consisting of any combination of fruits listed in this schedule I and grapes provided that the combination, by drained weight, shall consist of not less than 75 percent fruits listed in this Schedule I, and may consist of not to exceed 10 percent grapes. Pineapple may be replaced from No. 10 or larger cans, to the extent of 7 percent of the fruit cocktail.	Unlimited	2-10	1.25 tin	1.25 tin
9. Figs	M-81	12	1.25 tin	1.25 tin
10. Grapefruit, segments	M-81	2	1.50 tin	1.50 tin
11. Grapefruit juice	Unlimited	2-3 cpl-10	1.25 tin	1.25 tin
12. Orange juice	M-81	2-3 cpl-10	1.25 tin	1.25 tin
13. Orange-grapefruit juice blend, consisting of at least 50 percent orange juice	M-81	2-3 cpl-10	1.25 tin	1.25 tin
14. Peaches (clingstone), halves, slices or cubes	Unlimited	2-10-12	1.25 tin	1.25 tin
15. Peaches (freestone), halves, slices, or cubes. Not to be packed in California	Unlimited	2-10-12	1.25 tin	1.25 tin
16. Pears, halves, slices, or cubes	Unlimited	2-10-12	1.25 tin	1.25 tin
17. Pineapple, slices, chunks, crushed, or 10-10-10. Spices not to be packed.	Unlimited	2-10-3 cpl-12	1.25 tin	1.25 tin
18. Pineapple juice	Unlimited	2-3 cpl-10	1.25 tin	1.25 tin
19. Plums, yellow or green	M-81 1942	2-10-12	1.50 tin	1.50 tin
20. Prunes, fresh Italian. Not to be packed in California	M-81 1942	2-10-12	1.50 tin	1.50 tin
21. Olives, ripe. Not to exceed 10 percent of permitted pack may be in cans smaller than No. 10. (Quota applicable only to olives from 1942 crop.)	M-81 1942-41	2-10-12	1.25 tin	1.25 tin
VEGETABLES AND VEGETABLE PRODUCTS				
22. Asparagus, green, white asparagus not to be packed.	Unlimited	2-10-12	1.25 tin	1.25 tin*
23. Beans, green or wax	Unlimited	2-10-12	1.25 tin	1.25 tin*
24. Fresh shelled beans, including lima beans	Unlimited	2-10-12	1.25 tin*	1.25 tin*
25. Beans, whole, not to be packed	M-81	2-10-12	1.25 tin	1.25 tin*
26. Carrots, whole, not to be packed	M-81	2-10-12	1.25 tin	1.25 tin*
27. Corn, red, sweet, cut	Unlimited	2-10-2 vacuum (27 x 330) for vacuum pack.	1.25 tin*	1.25 tin*
28. Peas, green	Unlimited	2-10-2 vacuum (27 x 330) for vacuum pack.	1.25 tin*	1.25 tin*
29. Pumpkins and squash	M-81	2-10-12	1.25 tin	1.25 tin*
30. Soups	Unlimited	1-pc	1.25 tin	1.25 tin*
Seasonals: Limited to soups which shall contain not less than 7 percent, by weight, of dry solids from any one or more of the following fresh unfrozen vegetables: asparagus, peas, spinach, tomatoes.	Unlimited	1-pc	1.25 tin	1.25 tin*
Non-seasonals: Limited to the following kinds of soup which shall contain not less than the specified percentage, by weight of dry solids from fresh, frozen or frozen vegetables, meats, or other products listed in Schedule I or II, provided that no part shall be for packing each can more than 65 percent by weight of the frozen vegetable which is used for the purpose during 1942.	75% of total 1942 pack of specified nonseasonal crops	1-pc	1.25 tin	1.25 tin*
Chicken, chicken gumbo, chicken necks, gumbo creole, corned beef, and hamlets—6 percent.				
Clam or fish chowder—8 percent.				
Beef hash, vegetable, vegetable-vegetarian, pepper pot, extol, meat, turtle, country style chicken, and corn chowder—10 percent.				
Red and vegetable beef—12 percent.				

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
VEGETABLES AND VEGETABLE PRODUCTS—continued				
31. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, poke, and turnip greens.	80% 1942	2½-10	1.25 tin	1.25 tin*
32. Tomatoes	Unlimited	2-2½-10	1.25 tin	1.25 tin
33. Tomato paste, from fresh tomatoes, containing not less than 25% (percent) by weight, dry tomato solids.	Unlimited	2½-10	1.25 tin	1.25 tin*
	125% 1942 pack of size 6Z.	5 gal. reusable	1.25 tin	1.25 tin*
	Unlimited	6Z	1.25 tin	1.25 tin*
34. Tomato pulp or puree, from fresh tomatoes, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent by weight, dry tomato solids.	Unlimited	2-2½-10	1.25 tin	1.25 tin*
	125% 1942 pack of size 1 picnic.	5 gal. reusable	1.25 tin	1.25 tin
	Unlimited	1 picnic	1.25 tin	1.25 tin*
35. Tomato sauce, from fresh tomatoes, including spaghetti sauce, containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice oils, and other flavoring ingredients.	Unlimited	2-10	1.25 tin	1.25 tin*
	125% 1942 pack of sizes 8Z and 1 picnic.	5 gal reusable	1.25 tin	1.25 tin
		8Z—1 picnic	1.25 tin	1.25 tin*
36. Tomato catsup, from fresh tomatoes, not less than 25 percent, (specific gravity 1.11) by weight, total dry solids.	M-36	2½-3-cyl-10	1.25 tin	1.25 tin*
37. Tomato juice, which may contain not more than 30 percent of other vegetable juices.	Unlimited	2-3 cy'-10	1.25 tin	1.25 tin*
NOTE.—When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be re-packed from reusable cans, 5 gal. or larger.				
FISH AND SHELLFISH				
(Processed, and in hermetically sealed cans)				
38. Clams, soft, hard, or razor	Unlimited	½ flat (307 x 201.25) —1 picnic (211 x 400)—1 tall (301 x 411)—2 (307 x 409)—10 (603 x 700)	1.25 tin*	1.25 tin*
39. Crabmeat	Unlimited	½ flat (307 x 201.25)	1.25 tin*	1.25 tin*
40. Fish flakes. Dried fish flakes not to be packed.	Unlimited	300 (300 x 407)—2 (307 x 409)	1.25 tin*	1.25 tin*
41. Fish livers and fish liver oils	Unlimited	5 gal. reusable	1.25 tin	1.25 tin
42. Fish roe	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
43. Herring, Atlantic Sea, by whatever name known including sardines.	Unlimited	¾ Drawn (304 x 508 x 105)—¾ three piece (308 x 412 x 112)—200 (300 x 407) ¾ drawn (300.5 x 404 x 014.5)	1.25 tin*	1.25 tin*
Packed in oil			1.25 tin*	1.25 tin*
Packed in mustard or tomato sauce			1.25 tin	1.25 tin
44. Herring, Pacific	Unlimited	1 tall (301 x 411)	1.25 tin*	1.25 tin*
45. Herring, river (alewives)	Unlimited	300 (300 x 407)—2 (307 x 409)	1.25 tin*	1.25 tin*
46. Mackerel	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
47. Menhaden	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
48. Mullet	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
49. Mussels	Unlimited	1 picnic (211 x 400)—2 (307 x 409)—10 (603 x 700)	1.25 tin*	1.25 tin*
50. Oysters. No. 1 picnic cans shall contain not less than 7½ ounces of oysters by cut-out drained weight; No. 2 cans 14 ounces; and other permitted size cans shall contain a fill correspondingly proportionate to the No. 1 picnic can.)	Unlimited	1 picnic (211 x 400) 1 tall (301 x 411)—2 (307 x 409)	1.25 tin*	1.25 tin*
51. Pilchards, by whatever name known including sardines.	Unlimited	8z short (211 x 300)—¾ oblong (303 x 508 x 103)—300 (300 x 407)—1 oval (607 x 406 x 108).	1.25 tin*	1.25 tin*
Packed in oil			1.25 tin	1.25 tin
Packed in mustard or tomato sauce			1.25 tin	1.25 tin*
52. Salmon	Unlimited	½ flat (307 x 201.25) (307 x 231.25)—1 flat (401 x 210.5) (401 x 211) 1 tall (301 x 411).	1.25 tin	1.25 tin*
53. Shad	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
54. Shrimp	Unlimited	1 picnic (211 x 400) 5 (602 x 510).	1.25 tin*	1.25 tin*
55. Squid	Unlimited	300 (300 x 407)	1.25 tin*	1.25 tin*
56. Tuna, bonito, and yellowtail	Unlimited	½ tuna (307 x 113)—1 tuna (401 x 205.5)—4 lb. tuna (603 x 408).	1.25 tin*	1.25 tin*

SCHEDULE I—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
DAIRY PRODUCTS				
57. Condensed Milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940, § 18.525, page 2444 and § 18.526, page 2445, as amended, Federal Register, August 8, 1941, pages 3973 and 3974.	100% 1942.....	15 oz.....	1.25 tin.....	1.25 tin.
58. Evaporated milk, as defined by the Federal Security Administrator, Federal Register, July 2, 1940, § 18.520, page 2444.	Unlimited.....	10 (5 lb).....	1.25 tin.....	1.25 tin.
	100% 1942.....	6 oz.-14 1/2 oz.....	1.25 tin.....	1.25 tin.
FISH AND SHELLFISH				
(For refrigerated shipment, fresh)				
59. Oysters. Until Apr. 30, 1943.....	Unlimited.....	1 gal.....	CTD.....	CTB.

During 1943 a person's pack of evaporated milk in 6 oz. cans shall not exceed 80% of his 1942 pack of 6 oz. cans.

(2) Schedule II is amended to read as follows:

SCHEDULE II—FOOD CANS

Note: Schedule II amended in its entirety January 13, 1943.

(1) Packing quotas specified in this Schedule II indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States, or for any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies. The word "none" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule II, cans packed during the base period (1942) for the above-mentioned agencies shall be excluded.

(2) All persons manufacturing cans shall, to the greatest extent available, use 0.50 tinplate wherever the single asterisk appears; and chemically treated blackplate wherever the double asterisk appears. All persons using cans marked with the asterisk, are hereby required to accept from the manufacturer making delivery, to the greatest extent available up to 50 percent of the delivery, cans made as specified of 0.50 tinplate wherever the single asterisk appears; and cans made as specified of chemically treated blackplate wherever the double asterisk appears.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
MEATS AND MEAT PRODUCTS				
(Processed and in hermetically sealed cans)				
1. Bacon.....	None.....	14 lb.....	1.25 tin*	1.25 tin**.
2. Beef, veal, mutton, and pork; corned, roast, or boiled, and containing not less than 85 percent meat, by cooked weight. Cans with all seams soldered. Cans with only side seams soldered.	None.....	Any size Any size	1.25 tin 1.25 tin*	1.25 tin 1.25 tin**.
3. Brains.....	100% 1942.....	16 3/4 oz.....	1.25 tin*	1.25 tin**.
4. Meat products as follows: a. Chili con carne when packed without beans and containing not less than 80 percent meat, by uncooked weight, exclusive of added tallow.	(0).....	600 (500 x 400).....	1.25 tin*	1.25 tin*.
b. Meat loaf, containing not less than 80 percent meat, by uncooked weight, and no added water. When packed as a chopped product, meat loaf may contain not more than 10 percent of the following ingredients: cereal, whole milk, eggs, and seasoning.		7 oz.....	1.25 tin*	1.25 tin**.
c. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped product shall contain not less than 65 percent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.		3 oz.....	1.25 tin*	1.25 tin**.

* 100% of total 1942 pack of meat products a, b, c, d, e, and g plus 75% of total 1942 pack of meat product f.

SCHEDULE II—FOOD CANS—Continued

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
MEATS AND MEAT PRODUCTS—continued				
(Processed and in hermetically sealed cans)				
d. Sausage in casings, containing no cereal or similar substance, and not to exceed 10 percent added water, by weight, except pork sausage, which may be prepared with not to exceed 3 percent added water by weight: Vienna Sausage.....		4 oz.....	1.25 tin*	1.25 tin**.
Sausage in oil, lard or rendered pork fat.....		No. 5.....	1.25 tin*	1.25 tin**.
e. Bulk sausage meat, containing not to exceed 3½ percent cereal, and not to exceed 3 percent added water, by weight.....		24 oz.....	1.25 tin*	1.25 tin**.
f. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 percent added water, by weight.....		12 oz.....	1.25 tin*	1.25 tin**.
g. Potted meat, consisting of chopped meat or by-products of meat, without added cereal or similar substance, and labeled as a potted or deviled meat product.....		3¼ oz.....	1.25 tin*	1.25 tin**.
5. Tongue, whole.....	50% 1942.....	6 oz.....	1.25 tin*	1.25 tin**.
6. Turkey, boned, and chicken, boned.....	None.....	1 lb.....	1.25 tin*	1.25 tin**.
MISCELLANEOUS FOODS				
7. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits, vegetables, meats, poultry products, dairy products, sugar, salt or seasoning, yeast or yeast derivatives. Dried prunes may be included and frozen fruits and vegetables may be used; provided that no person shall use, for packing baby foods, more than 35 percent, by weight, of the frozen fruits and vegetables which he used for this purpose during 1942. Potatoes and cereal products may be used only in combination with other permitted products, and only provided the combined potato and cereal content does not exceed 12 percent, by weight, of the total product. Pineapple may be repacked from No. 10 or larger cans.	100% 1942.....	202 BF (202 x 214).	1.50 tin.....	1.50 tin.
Milk formulas and soybean milk liquid	100% 1942.....	14½ oz.....	1.25 tin.....	1.25 tin.
Milk formulas, dry or powdered.....	100% 1942.....	1 lb.....	0.50 tin.....	CTB.
No person shall pack any milk formulas unless he packed the product in substantially the same form in 1942.				
8. Dehydrated vegetables.....	None.....	10.....	0.50 tin.....	CTB.
9. Grape juice and grape pulp.....	100% 1942.....	5 gal.....	0.50 tin.....	0.50 tin.
10. Citrus pulp and citrus peel.....	100% 1942.....	5 gal. reusable.....	1.50 tin.....	1.50 tin.
11. Honey.....	100% 1942 pack of size 60 lb.	5 gal. reusable.....	1.25 tin.....	1.25 tin.
12. Goat's milk.....	100% 1942.....	60 lb. reusable.....	1.25 tin.....	1.25 tin.
13. Milk, skimmed, dry or powdered.....	100% 1942.....	14½ oz.....	1.25 tin.....	1.25 tin.
14. Milk, whole, dry or powdered.....	None.....	50 lb.....	0.50 tin.....	0.50 tin.
	100% 1942.....	1 lb.-2½ lb.-5 lb.	0.50 tin.....	0.50 tin**.
15. Special food products; limited to foods other than usual table foods. No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	See product column.....			
16. Baking powder. Until June 30, 1943.....	That number of cans sufficient to pack 50% of poundage packed in 32-oz. or smaller cans during calendar year 1942.	6-oz. to 32-oz., inclusive.	Fiber.....	Blackplate.

SCHEDULE III—NON-FOOD CANS

(1) Packing quotas specified in this Schedule III indicate permitted packs of the respective products listed, for all purposes except for the Army, Navy, Marine Corps, Maritime Commission, War Shipping Administration of the United States, or for any agency of the United States purchasing for a foreign country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act). While restrictions pertaining to can sizes and can materials are applicable to such cans, cans used for packing the respective products listed shall be in addition to the specified quotas, when delivered pursuant to a letter of intent approved by, or a contract or purchase order negotiated with or for, any of the foregoing agencies. The word "cans" indicates that no cans shall be used for packing the applicable product except for the above-mentioned agencies. When determining a quota for packing a product listed in this Schedule III, cans packed during the time period (1942) for the above-mentioned agencies shall be excluded.

(2) Whenever blackplate is specified for making the body or ends of a can for packing a product listed in this Schedule III, Special Coated Manufacturers' Template, may be substituted for making any part or fitting of the can which is required to be soldered.

(3) No compound containing crude rubber, latex, or synthetic rubber as defined in Order M-15-b, shall be used in the manufacture of cans for packing any product listed in this Schedule III.

Product	Packing quota	Can sizes	Can materials	
			Body	Ends
1. Abrasives, and grinding and buffing compounds. Not to be packed dry.	100% 1942	Any size	Blackplate	Blackplate
2. Acid nitro-hydrochloric (outer container).	100% 1942	1 lb.	Blackplate	Blackplate
3. Bee feeder cans, friction top, for use in shipping bees.	100% 1942	2-2 1/2-3	0.09 tin	CTB.
4. Benzol, naphtha, toluene, and xylene.	100% 1942	1 gal.	SCMT	Blackplate
5. Blood plasma.	Unlimited	Any size	0.09 tin	CTB.
6. Calcium carbide.	100% 1942	2 lb.-10 lb.	Blackplate	Blackplate
7. Calcium cyanide.	100% 1942	1 lb.-2 1/2 lb.	SCMT	Blackplate
8. Calcium hypochlorite, Grade A.	100% 1942	3 1/2 lb.-5 lb.	SCMT	Blackplate
9. Carbon bisulfide.	100% 1942	1 lb.	SCMT	Blackplate
10. Cements and dressings, limited to belting, furnace, linoleum, pipe joint, and radiator. Not to be packed dry.	100% 1942	1 qt-1 gal.	Blackplate	Blackplate
11. Cements, rubber, solvent or latex.	100% 1942	1 qt-1 gal.	Blackplate	Blackplate
12. Chlorpicrin, Bromacetone, Monochloroacetone, and acrolein.	100% 1942	1 lb.	SCMT	Blackplate
13. Chloroform and ether.	100% 1942	Any size	1.5 tin	1.5 tin
14. Chromic acid (outer container).	100% 1942	1 lb.	Blackplate	Blackplate
15. Fire extinguisher fluid, limited to chlorinated hydrocarbon type.	100% 1942	1 qt-1 gal.	SCMT	SCMT
16. Gasket assembling compounds.	100% 1942	1 qt-1 gal.	Blackplate	Blackplate
17. Glues and adhesives, liquid.	100% 1942	1 qt-1 gal.	SCMT	SCMT
18. Grain fumigant, liquid.	100% 1942	1 gal.-5 gal.	SCMT	SCMT
19. Graphite, with liquid content.	100% 1942	1 qt-1 gal.	Blackplate	Blackplate
20. Greases, lubricating.	100% 1942	10 lb.-25 lb.	Blackplate	Blackplate
21. Inks, printing, duplicating and lithographing. Slip cover style cans of sizes based upon cans which hold the indicated weights of water.	50% 1942	8 oz.-12 oz., 1 lb.-2 lb., 5 lb.-10 lb., 25 lb.-50 lb.	Blackplate	Blackplate
22. Lye. Until June 30, 1943.	50% 1942	13 oz.	Blackplate	Blackplate
22a. Drain cleaners, until June 30, 1943.	50% 1942	12 oz.	Blackplate	Blackplate
23. Toilet bowl cleaners. Until June 30, 1943.	50% 1942	10 oz.	Blackplate	Blackplate
24. Nicotine sulphate.	100% 1942	5 lb.	1.5 tin	1.5 tin
25. Nitric acid, fuming (outer container).	100% 1942	1 lb.	Blackplate	Blackplate
26. Oils, essential, distilled or cold pressed.	100% 1942	1 qt.	0.09 tin	0.09 tin
27. Oils, transformer.	100% 1942	5 gal.	0.09 tin	0.09 tin
28. Paints, copper bottom or antifouling.	100% 1942	1 gal.	1.5 tin	1.5 tin
29. Paints:— Oil or oleoresinous, ready mixed, semi-paste, including but not limited to white lead in oil and colors in oil. Pigmented lacquers.	Until February 15, 1943, blackplate ends for 1 gal. after-trilled cans. From January 1, 1943 to February 15, 1943, a person may use a number of 1 gal. after-trilled cans equivalent to pack 10 percent of the volume (gallons) of the paints listed in this item 29, which he packed in all sized cans during the calendar year of 1942.			
30. Phosphorus.	100% 1942	1 lb.	SCMT	SCMT
31. Shoe polish, leather dressing, and saddle soap. Until March 31, 1943.	25% 1942	Any size	Blackplate	Blackplate
32. Soap, paste.	100% 1942	3 lb.	Blackplate	Blackplate
33. Sodium and potassium metals.	100% 1942	1 lb.	SCMT	Blackplate
34. Sodium peroxide (outer container).	100% 1942	1 oz.	Blackplate	Blackplate
35. Soldering pastes and boiler sealing compounds.	100% 1942	Any size	Blackplate	Blackplate
36. Dangerous chemicals, for shipment by Express, when a metal can is required by Interstate Commerce Commission Regulations and no alternate package is permitted.	100% 1942	Any size	Blackplate	Blackplate

[F. R. Doc. 43-640; Filed, January 13, 1943; 11:20 a. m.]

PART 1147—COLLAPSIBLE TUBES

[Conservation Order M-115 as Amended Jan. 13, 1943]

Section 1147.1 Conservation Order M-115 is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1147.1 Conservation Order M-115—

(a) Applicability of priorities regula-

tions. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) Definitions. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, lead,

or any combination thereof and includes closures, crowns and caps for such tubes.

(3) "Class I tube" means a tube used or intended to be used to pack any product listed on Table I annexed hereto within such limitations, including but not limited to tube size and end use, as may be specified with respect to any such product in said table.

(4) "Class II tube" means a tube used or intended to be used to pack any product listed on Table II, annexed hereto.

(5) "Class III tube" means a tube used or intended to be used to pack any product listed on Table III, annexed hereto.

(6) "Non-essential tube" means any tube other than a tube described in subparagraphs 3, 4 and 5 above.

(7) "Tube user" means any person, whether or not he is also a tube manufacturer, engaged in the business of packing or filling tubes with any product of any kind for sale to others.

(8) "Retailer" means a person other than a distributor who sells or distributes tubes to the ultimate purchaser.

(9) "Distributor" means a person who sells or distributes tubes to retailers, including, but not limited to, wholesalers, jobbers, tube users, and tube manufacturers when they are engaged in such sale or distribution.

(10) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) Restrictions upon the manufacture, sale and delivery of blanks and tubes and upon the use of tubes for packing—(1) Non-essential tubes. No person shall manufacture or sell, for non-essential tubes, blanks containing any tin (but not including tin present as an impurity amounting to 0.5% or less); no tube manufacturer shall manufacture or sell non-essential tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less); and no tube user shall use any tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less) to pack any product not listed on Tables I, II, or III.

(2) Class I tubes. Notwithstanding the provisions of Conservation Order M-43-a, as amended, and until further order by the Director General for Operations there shall be no restriction upon the percentage of tin which may be used in the manufacture of Class I tubes, nor on the number of such tubes manufactured or used for packing products listed on Table I.

(3) Class II tubes. No person shall manufacture or sell for Class II tubes blanks containing more than 7 1/2% of tin by weight; no tube manufacturer shall manufacture or sell Class II tubes containing more than 7 1/2% of tin by weight; and no tube user shall use any tube containing more than 7 1/2% of tin by weight to pack any product listed on Table II.

(4) Class III tubes for period prior to April 1, 1943. Until April 1, 1943, no person shall manufacture or sell for Class III tubes blanks containing more

than 5% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 5% of tin by weight; and no tube user shall use any tube containing more than 5% of tin by weight to pack any product listed on Table III.

(5) *Class III tubes after April 1, 1943.* On and after April 1, 1943, no person shall manufacture or sell for Class III tubes blanks containing more than 3% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 3% of tin by weight; and no tube user shall use any tube containing more than 3% of tin by weight to pack any product listed on Table III.

(6) *Quota for Table III products.* No tube user shall pack in tubes, during the calendar year 1943, more than 75% of the amount of products listed on Table III which he packed in tubes during the calendar year 1942: *Provided further,* That no tube user shall pack in tubes during each of the three-month periods beginning January-1, 1943, April 1, 1943, July 1, 1943, and October 1, 1943, respectively, more than 25% of the amount of products listed in Table III of this order which he is permitted to pack in tubes during the entire calendar year 1943 pursuant to the preceding provisions of this subparagraph. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed on Table III which are packed in tubes and sold and delivered to the Army or Navy of the United States or the United States Coast Guard (including but not limited to post exchanges, ships' stores, ships' service stores, and marine exchanges), and in addition to products listed on Table III which are packed in tubes having no greater tin content than that prescribed in paragraph (c) (1) of this order for non-essential tubes.

(d) *Further conservation of tin.* (1) All manufacturers and users of all the kinds of tubes covered by this order shall cooperate in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tin coating on such tubes to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed.

(2) All manufacturers of all kinds of tubes permitted to be manufactured or filled by this order and all tube users packing products in such tubes are ordered to concentrate to the greatest extent practicable upon the larger-size tubes and to manufacture and to use for tube filling respectively as high a proportion of larger-size tubes (as compared with smaller-size tubes) as may be feasible and practicable. All such manufacturers and tube users are further ordered to substitute, for all tubes made in whole or in part of tin, containers made of other materials to the extent that such substitution may be feasible and practicable.

(3) No retailer shall sell or deliver any filled metal tube containing dental cleansing or shaving preparations to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th

day of June, 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used metal tube of any kind for each metal tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered and no person (including, but, not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall, except as otherwise expressly permitted by this paragraph (d) (3), deliver any used tube of any kind to any person except those designated above. Damaged or unused tubes shall, at the option of the holder, be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

(4) Nothing in this order shall prevent the manufacture, sale, delivery, purchase, acceptance of delivery, or use of tubes, made from blanks manufactured on or before the dates hereinafter specified and containing no more than the permitted tin content respectively specified, within the limits set forth opposite each such date.

Date of manufacture of blank	Permitted tin content	Permitted use
April 1, 1942----- October 5, 1942-----	Unrestricted----- 7½ percent by weight.	Unrestricted. For packing products listed in Table III and shaving preparations.
The 13th day of January 1943.	1½ percent by weight.	For packing shaving preparations.

Provided, however, That the volumetric weight of any products listed in Table III which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quota allowed to the tube user pursuant to paragraph (c) (6) of this order.

(5) Notwithstanding any other provisions of this order, gift kits or combination set boxes holding multiple units, including filled Class III or shaving preparation tubes, the value of which comprises not over 25 percent of the total value of the package, may be disposed of without complying with the used

tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(6) Compliance with the used tube exchange provision set forth in paragraph (d) (3) hereof shall not be required in connection with the sale or distribution of Class III or shaving preparation tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ships service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the Territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to the subparagraph: *And further provided,* That the exemption, provided by this subparagraph shall be subject to such conditions as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

(e) *Certificates and reports relating to all the kinds of tubes covered by this order—*(1) *Certificates of tube users.* Each tube user who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A, that such tube user is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such tube manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube user to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Certificates of retailers.* Each retailer who purchases any filled Class III or shaving preparation tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit B, that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a

given manufacturer or distributor need be furnished by a retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false: *Provided, however*, That such certificates shall not be required in connection with the export of filled Class III or shaving preparation tubes from the forty-eight states of the United States of America and the District of Columbia.

(3) *Reports.* Each tube manufacturer and each tube user shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, and no tube manufacturer or distributor shall sell any tubes except under contracts or orders validated by the certification required by this paragraph (e).

(f) *Miscellaneous provisions.*—(1) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube user if he knows or has reason to believe that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington, D. C. Ref.: M-115.

(5) *Effect of other orders.* Except as provided in paragraph (c) (2) above, insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A—TUBE USER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube user purchases tubes and is to cover

all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Tube user's address) (Date)

In accordance with paragraph (e), subparagraph (1) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said Conservation Order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

(Name of tube manufacturer) (Address of tube manufacturer)

in violation of the terms of said order and amendments.

(Legal name of tube user)

By (Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B—RETAILER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (2) of Conservation Order M-115. One copy of this certificate is to be delivered to each distributor from whom the retailer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Retailer's address) (Date)

In accordance with paragraph (e), subparagraph (2) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said conservation order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

(Name of tube manufacturer or distributor)

(Address of tube manufacturer or distributor)

in violation of the terms of said order and amendments.

(Legal name of retailer)

By (Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

TABLE I—CLASS I TUBES

1. Ointments and other preparations for ophthalmic use.
2. Sulfa drugs in ointment or jelly form.
3. Diagnostic extracts (allergens).

4. Morphine for hypodermic injection (limited to tubes containing individual doses only and sold directly to the Army or Navy of the United States).

TABLE II—CLASS II TUBES

1. (a) Medicinal and pharmaceutical ointments not included in Table I;
- (b) Expectorations which are intended for introduction into body orifices (nasal, vaginal, rectal, surgical jelly, etc.), not included in Table I.

TABLE III—CLASS III TUBES

1. Dental cleaning preparations.

[F. R. Doc. 43-611; Filed, January 13, 1943; 11:23 a. m.]

PART 3067—TEXTILE AND PAPER SHIPPING BAGS

[Conservation Order M-221, as Amended Jan. 13, 1943]

1. Part 3067 *Textile Shipping Bags* is amended to read: "Textile and Paper Shipping Bags"

2. Section 3067.1 *Conservation Order M-221* is amended to read:

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textile and paper shipping bags for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3067.1 *Conservation Order M-221*—(a) *Definitions.* (1) "Textile bag" means any shipping container made of cotton fabric, burlap, or other fabric, excepting bale covers and textile wrappings.

(2) "Paper bag" means any shipping bag made wholly or in part of kraft paper, excepting combination textile-paper bags.

(3) "Combination textile-paper bag" means any shipping bag made of laminated textile and paper.

(4) "New textile bag" means any textile bag when neither the fabric or the bag has been previously used.

(5) "Used textile bag" means any textile bag when the bag or the fabric previously has been used one or more times.

(6) "New paper bag" means any paper bag which has not been used.

(7) "Dealer" means any person whose principal business is that of buying, selling or reconditioning empty textile or paper bags.

(8) "User" means any person who acquires textile or paper bags for use in his business.

(9) A person shall be deemed a "commercial emptier" at such times when in any of the three immediately preceding calendar months he acquired in his business and emptied 400 filled textile bags.

(10) "Wool bag" means any new or used textile bag, made of burlap, between 5½ and 7½ feet in length, ordinarily used to package wool: *Provided*, That such bag shall not be considered a wool bag when no longer capable of carrying any of the following: grease wools, scoured wools, nells, wool wastes or mohair.

(11) A "heavy #1 wool bag" means a wool bag, either new or used, made of

12 ounce or heavier burlap and capable of being packed or repacked to its intended capacity with any of the following: grease wools, Territory, California or Texas wools or mohair.

(12) A "light #1 wool bag" means any new wool bag made of less than 12 ounce burlap.

(13) A "#2 wool bag" means any used wool bag other than a heavy #1 wool bag.

(b) *General restrictions*—(1) *Restrictions on textile and paper bags.*

(i) No person shall manufacture, sell, offer for sale, deliver, rent, supply, distribute, purchase, accept delivery or acquire textile or paper bags which he has reason to believe will be used for any purpose prohibited by this order.

(ii) After April 1, 1943, no user shall pack any beans, cement, chemicals, feed, fertilizer, flour, meal or cereals, nuts, salt, plaster, potatoes, rice, seeds, starch, or sugar in new textile or paper bags other than bags of the following net weight capacities:

- 2 pounds
- 5 pounds
- 10 pounds
- 25 pounds
- 50 pounds
- 100 pounds or over;

Provided, That the following commodities also may be packed as follows:

- Cement in 94 lb. bags
- Plaster in 60 lb. and 94 lb. bags
- Potatoes in 15 lb. bags
- Seeds in one-bushel and two-bushel bags

(2) *Restrictions on textile bags.* (i) No person shall sample the contents of any new or used textile bag except by opening the closure or by inserting a probe or trier without damage to the fabric and no commercial emptier shall remove the contents of any textile bag except by opening the closure, unless the contents have become so caked or solidified that salvage of the bag is not practicable.

(ii) No person shall use any new or used textile bag for packing mohair unless the word "Mohair" appears in legible type on both sides of the bag.

(iii) No person shall purchase or accept delivery of any new or used textile bag to be used for protection against air raids or other war hazards.

(iv) No user or commercial emptier shall accept delivery of any full or empty new or used textile bags at a time when, or when by virtue of the delivery, the user's or commercial emptier's inventory of new or used empty textile bags is or will be in excess of a practical minimum working inventory and in no event in excess of the aggregate number of new or used empty textile bags which will be required to carry on his business during the next sixty days.

(v) No person shall use any new textile bags made of burlap for packing any material, other than mohair; wool; and wool products; agricultural products except flour, refined sugar, salt, tankage, or fertilizer; *Provided*, That this restriction shall not apply to any bags manufactured or in process of manufacture prior to January 13, 1943.

(vi) No manufacturer of or dealer in textile bags made of burlap, during any calendar year, shall sell or deliver to any user, nor shall any user accept delivery

of more than 50 percent of the number of new textile bags made of burlap delivered to the user during the calendar year 1941, except that this restriction shall not apply to bags for packing mohair, wool or wool products, or to bags made of burlap of weights less than 7 ounces per 40 inch width per yard.

(vii) No dealer, user or commercial emptier shall change the size of any textile bag made of burlap while it has a commercial use as a bag with or without mending.

(viii) No user shall pack any products other than the following: agricultural products (including but not limited to beans, coffee, cotton, feed, flour, fruits, grain, meal, nuts, potatoes, poultry grits, rice, salt, seeds, starch, sugar, tobacco or vegetables) cement, chemicals, core sand, fertilizer, glues, gypsum, malt, meats, metal abrasives, metal parts, pastes, plaster, sand, shell-fish, tire chains or such other products as may be authorized by the Director General for Operations, pursuant to application on Form PD-556, in new textile bags made of cotton: *Provided*, That this restriction shall not apply to any bags manufactured or in process of manufacture prior to January 13, 1943.

(ix) No manufacturer of new textile bags shall overstretch the raw edge or selvage edge of a bag.

(x) No manufacturer of new textile bags shall incorporate therein any metal eyelets or grommets.

(xi) No dealer in used textile bags shall sell or deliver any used textile bag unless such bag shall have been repaired and all holes, including trier or probe holes, properly mended or patched: *Provided*, That nothing in this paragraph (b) (2) (xi) shall prevent the delivery of any bag for the purpose of repair, or delivery to the owner.

(xii) No dealer in textile bags or commercial emptier shall sell or deliver any textile bag which has been used for packing raw sugar, and which is capable of carrying raw sugar, to any user except for packing raw sugar.

(c) *Restrictions on wool bags.* (1) No user shall use a heavy #1 wool bag except for grading wools or for packing grease wools or mohair, known to the trade as Territory, California or Texas wools or mohair.

(2) No user shall use a light #1 wool bag except for packing Territory, California, Texas, grease or scoured wools, or mohair, carbonized wool, carbonized noils, carbonized card waste, fine white garnetts, fine white laps, cut wool tops, broken wool tops, or wool backings.

(3) No user shall use a #2 wool bag except for packing grease wools, fleece wools, pulled wools, scoured wools or noils, or wool wastes, whether or not carbonized.

(4) No user shall use any wool bag for any purpose other than for packing or wrapping wool or wool products.

(5) No user shall use any top cover bags made from burlap for any purpose other than for packing top wool.

(d) *Miscellaneous provisions*—(1) *General exceptions.* The restrictions imposed by this order shall not apply to:

(i) Any textile or paper bags manufactured to meet the packaging specifications of and delivered to, or for the

account of, the Army, Navy, Maritime Commission, United States Post Office, War Shipping Administration, or any agency procuring for delivery pursuant to the Act of Congress of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(ii) The sale, delivery, or use of any textile bag made of burlap, when such bag is manufactured from burlap set aside pursuant to any provision for Stockpiling of Imports, in Conservation Order M-47, as amended from time to time.

(2) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(3) *Reports.* On the fifteenth day of each month, every dealer, user or commercial emptier of new or used textile bags, who has (or had) in his possession at any time during the year 1942 more than 15,000 empty textile bags, exclusive of new textile bags made of cotton, shall report upon Form PD-645 to the Containers Division, War Production Board, Washington, D. C. the information required by said form.

(4) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal: *Provided*, That appeals from the restrictions of paragraph (b) (2) (vi) shall be by application in triplicate on Form PD-188-c.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6880; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-642; Filed, January 13, 1943;
11:21 a. m.]

PART 3132—PROCESSORS OF METAL SCRAP

[Preference Rating Order P-136 as Amended
Jan. 13, 1943]

For the purpose of facilitating the acquisition of material for operating supplies and for the maintenance and repair of equipment used by recognized processors for the sole purpose of locating, processing or transporting metal scrap (up to its delivery at point of shipment to ultimate consumer), and to promote the national defense, preference ratings are hereby assigned to deliveries of such

materials on the terms and within the limitations hereinafter set forth:

§ 3132.1 *Preference Rating Order P-136*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Processor" means any person operating an automobile graveyard or scrap yard physically situated within the limits of the United States or Canada who has been certified by the Scrap Processors Branch of the Conservation Division of the War Production Board as being experienced in the metal scrap trade and cooperative in expediting the movement of metal scrap to consumers.

(3) "Material" means any commodities, equipment, accessories, parts assemblies, or products of any kind.

(4) "Maintenance" means upkeep necessary to continue the working condition of essential operating equipment used by a processor at its then current rate of production.

(5) "Repair" means the restoration of equipment used by a processor to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made such equipment unfit or unsafe for service.

(6) "Operating supplies" means any material which is essential to the operation of equipment used by a processor and which is generally carried as processor's stores and charged to operating expense accounts.

(7) "Supplier" means any person with whom a rated purchase order or contract has been placed by a processor or by another supplier for material:

(i) Directly required by a processor for maintenance, repair, or operating supplies, or

(ii) To be physically incorporated in other material so required by a processor.

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order:

(1) AA-2x to deliveries to a processor of material for repair of equipment used for any of the purposes set forth in the first paragraph of this order, when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair parts are not otherwise available.

(2) AA-3 to deliveries to a processor of repair material, described in paragraph (b) (1), up to the minimum required to make reasonable advance provision to avert an actual breakdown of existing facilities or suspension.

(3) A-1-a to deliveries to a processor of material for other repairs to, for maintenance of, and for operating supplies for, equipment used for any one of the purposes set forth in the first paragraph of this order. The A-1-a rating assigned by this paragraph (b) (3) shall not be applied in any calendar quarter to mate-

rial in excess of a total dollar value of \$500.00 (including materials delivered under the provisions of paragraphs (b) (1) and (2) above), unless a specific authorization is obtained in advance from the Director General for Operations.

(c) *Persons entitled to apply preference ratings.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A processor;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (d).

(d) *Application of preference rating.*

(1) No processor shall apply any preference rating assigned by paragraph (b) until:

(i) He shall have filed with the Scrap Processors Branch, Conservation Division, War Production Board, a statement in the form prescribed by the Director General for Operations, setting forth amounts of raw material used for repair, maintenance and operating supplies for the preceding calendar quarter, inventories of such material at the beginning and end of such period, and an estimate of requirements of such material for the current quarter, and further stating that he accepts the terms and conditions of this order.

(ii) He shall have received from the Scrap Processors Branch, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by him or for his account which are rated pursuant to this order.

(2) The preference ratings herein granted shall be applied and extended pursuant to the provisions of Priorities Regulation No. 3 (§ 944.23).

(3) Each processor shall immediately file with the nearest District Office of the War Production Board a copy of each purchase order or contract covering any material to which an AA-2x or an AA-3 rating has been assigned under paragraph (b) (1) or (b) (2) of this order. Processors in Canada shall file copies of such purchase orders or contracts with the Ottawa Branch, Canadian Review Division of the War Production Board.

(e) *Restrictions on use of rating.* (1) *Restrictions on processor.* No processor may apply any rating hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of its equipment.

(2) *Restrictions on supplier.* (i) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) below, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduced his inventory below such min-

imum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms; provided, that he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Restrictions of inventory.* (1) A processor shall not, during any calendar quarter, accept, and a supplier shall not knowingly make to a processor, deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair the aggregate dollar volume of which shall exceed 55 percent of the aggregate dollar volume of the withdrawals for such purposes by the processor from stores or inventory during the preceding calendar half-year unless such deliveries shall be specifically authorized in advance by the War Production Board on the processor's application therefor.

(2) A processor shall not at any time accept deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair until the processor's inventory and stores of such material have been reduced to a reasonable minimum, unless such delivery shall be specifically authorized in advance by the War Production Board on the processor's application therefor. Such reasonable minimum shall in no case exceed 125 percent of the aggregate dollar volume of such material in inventory and stores on the last day of the preceding calendar half-year.

(g) *Relief.* If the sound working condition of a processor is adversely affected by any provision or application of this order or by inability to obtain material essential for repair, maintenance or operating supplies, the processor may apply for relief to the Director General for Operations. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Recall of material prohibited.* Except with specific permission of the Director General for Operations, a processor shall not resell any material acquired for repair, maintenance or operating supplies (whether or not obtained pursuant to rating assigned by this order); provided, that nothing herein contained shall prohibit sale by the processor of used material acquired prior to October 31, 1942.

(i) *Records, audits and reports.* Each processor and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each processor and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation or modification.* This order may be revoked or modified by the Director General for Operations at any time as to any processor or supplier. In the event of revocation or modification, or upon expiration of this order, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any processor or supplier affected by such revocation, modification or expiration.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Reference P-136.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-643; Filed, January 13, 1943; 11:20 a. m.]

PART 3154—HARDWARE SIMPLIFICATION

[Amendment 1 to Schedule I to Limitation Order L-236]

Section 3154.2 *General Limitation Order L-236* is hereby amended as follows:

Paragraph (d) *Effective date of simplified practices* is hereby amended by striking out the words "15th day of January 1943" as appearing in the first two lines of said paragraph (d) and substituting therefor the words "1st day of March 1943" so that said paragraph (d) will read as follows:

(d) *Effective date of simplified practices.* On and after the 1st day of March 1943, no builders' finishing hardware which does not conform to the size, type, grade, finish, weight, and standard established by paragraph (c) of this schedule (and set forth in the tables hereto) shall be put into process by any producer; on and after the 1st day of March 1943, no producer shall assemble, or otherwise complete, from component parts in inventory, any builders' finishing hardware which does not conform to the size, type, grade, finish, weight, and standard established by paragraph (c), of this schedule (and set forth in the

tables hereto); except upon approval of the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-644; Filed, January 13, 1943; 11:20 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Revised Procedural Regulation 3]

PROCEDURE FOR ADJUSTMENTS, AMENDMENTS, PROTESTS AND INTERPRETATIONS UNDER RENT REGULATIONS

Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.), Procedural Regulation No. 3—Procedure for the Protest and Amendment of Maximum Rent Regulations and Adjustment Under Such Regulations—is hereby revoked, except as provided in § 1300.253 of this regulation, and the following rules are prescribed for adjustments, amendments, protests and interpretations under maximum rent regulations.

Sec.

1300.201 Purposes of this regulation.

SUBPART A—LANDLORDS' PETITIONS AND TENANTS' APPLICATIONS

1300.202 Right to file petition.

1300.203 Method of filing, form, and contents.

1300.204 Joint petitions, consolidation.

1300.205 Tenants' applications.

1300.206 Investigation of petitions and applications.

1300.207 Action by rent director on his own initiative.

1300.208 Action by the rent director on petitions for adjustment or other relief.

APPLICATION FOR REVIEW OF RENT DIRECTOR'S ACTION

1300.209 Applications for review.

1300.210 Action on applications for review.

SUBPART B—PETITION FOR AMENDMENT

1300.211 Right to file petition.

1300.212 Time and place for filing petitions for amendment: Form and contents.

1300.213 Joint petitions for amendment.

1300.214 Action by the Administrator on petition.

SUBPART C—PROTESTS

1300.215 Right to protest.

1300.216 Time and place for filing protests.

1300.217 Form of protest.

1300.218 Assignment of docket number.

1300.219 Contents of protest.

1300.220 Affidavits or other written evidence in support of protest.

1300.221 Submission of brief by protestant.

1300.222 Joint protests.

1300.223 Amendment of protest and presentation of supplemental evidence.

1300.224 Protest and evidential material not conforming to this regulation.

1300.225 Action by the Administrator on protest.

1300.226 Statements in support of maximum rent regulation or order.

Sec.

1300.227 Inclusion of material in the record by the Administrator.

1300.228 Consolidation of protests.

ORAL HEARINGS

1300.229 Requests for oral hearing.

1300.230 Conference prior to oral hearing.

1300.231 Continuance or adjournment of oral hearing.

1300.232 Conduct of the oral hearing.

1300.233 Filing of briefs.

1300.234 Subpoenas.

1300.235 Witnesses.

1300.236 Contemptuous conduct.

1300.237 Stenographic report of oral hearing.

OPINION AND TRANSCRIPT ON PROTESTS

1300.238 Opinion denying protest in whole or in part.

1300.239 Treatment of protest as petition for amendment or for adjustment or other relief.

1300.240 Transcript for judicial review.

SUBPART D—INTERPRETATIONS

1300.241 Interpretations.

1300.242 Requests for interpretations: Form and contents.

1300.243 Interpretation to be written: Authorized officials.

1300.244 Revocation or modification of interpretations.

SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

1300.245 Filing of notices, etc.

1300.246 Service of papers.

1300.247 Action by representative.

1300.248 Secretary: Office hours.

1300.249 Confidential information, inspection of documents filed with Secretary.

1300.250 Former employee not to be representative.

1300.251 Definitions.

1300.252 Amendment of this regulation.

1300.253 Effective date of Revised Procedural Regulation No. 3.

AUTHORITY: §§ 1300.201 to 1300.253, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1300.201 *Purposes of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Price Administration in making various kinds of determinations in connection with the establishment of maximum rents.

(a) Subpart A deals with petitions for adjustment and other relief, provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Subpart B deals with petitions for amendment. A petition for amendment is the appropriate document to file when a petitioner seeks a change of general applicability in the provisions of a maximum rent regulation.

(c) Subpart C deals with protests. A protest is the means provided by the Emergency Price Control Act of 1942 for making a formal claim that a maximum rent regulation or an order issued thereunder is in some respect invalid. Only if a protest has been filed and denied may the protestant file a complaint with the Emergency Court of Appeals to have the maximum rent regulation or order protested, enjoined or set aside in whole or in part.

(d) Subpart D explains the way in which interpretations of the meaning or effect of provisions of maximum rent

regulations are given by officers or employees of the Office of Price Administration.

(e) Subpart E contains miscellaneous provisions, and definitions.

SUBPART A—LANDLORDS' PETITIONS AND TENANTS' APPLICATIONS

§ 1300.202 *Right to file petition.* A petition for adjustment or other relief may be filed by any landlord subject to any provision of a maximum rent regulation who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action.

§ 1300.203 *Method of filing, form, and contents.* A petition for adjustment or other relief provided for by a maximum rent regulation shall be filed with the rent director of the Office of Price Administration for the defense-rental area within which the housing accommodations involved are located. Petitions shall be filed upon forms prescribed by the Administrator and pursuant to instructions stated on such forms and may be accompanied by affidavits or other documents setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.

§ 1300.204 *Joint petitions, consolidation.* Two or more landlords may file a joint petition for adjustment or other relief where the grounds of the petition are common to all landlords joining therein. A joint petition shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one landlord. A landlord's petition may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the rent director deems it necessary or appropriate, he may order the filing of separate petitions or he may consolidate separate petitions presenting common questions which can be determined expeditiously in one proceeding.

§ 1300.205 *Tenants' applications.* All tenants' applications provided for by any maximum rent regulation shall be filed with the rent director for the defense-rental area within which the housing accommodations involved are located. The application shall be filed on forms prescribed by the Administrator and pursuant to directions set forth on such forms. Action upon any tenant's application shall be within the discretion of the rent director and the procedure thereon shall be the same as in proceedings initiated by the rent director pursuant to provisions of a maximum rent regulation authorizing such action.

§ 1300.206 *Investigation of petitions and applications.* Upon the filing of a petition or application pursuant to the provisions of this regulation, the rent director may make such investigation of the facts involved in the petition or application, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the petition or application.

§ 1300.207 *Action by rent director on his own initiative.* In any case where

the rent director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord of the housing accommodations involved stating the proposed action and the grounds therefor.

§ 1300.208 *Action by the rent director on petitions for adjustment or other relief.* (a) Upon receipt of a petition for adjustment or other relief, and after due consideration, the rent director may either:

(1) Dismiss any petition which fails substantially to comply with the provisions of the applicable maximum rent regulation or of this regulation; or

(2) Grant or deny in whole or in part, any petition which is properly pending before him; or

(3) Notice such petition for oral hearing to be held in accordance with §§ 1300.229 to 1300.237, inclusive, of this regulation; or

(4) Provide an opportunity to present further evidence in affidavit form, in connection with such petition.

(b) An order entered by a rent director upon a petition for adjustment or other relief, or an order entered by the rent director on his own initiative may be revoked or modified at any time upon due notice to the petitioner.

APPLICATION FOR REVIEW OF RENT DIRECTOR'S ACTION

§ 1300.209 *Applications for review.* Any landlord whose petition for adjustment or other relief has been denied in whole or in part by the rent director, or any landlord subject to an order entered by the rent director on his own initiative, may within fifteen days after the date on which notice of such denial or order was mailed to him, file with the rent director an application for review of such denial or order by the regional administrator for the region in which the defense-rental area office is located. An application for review shall be filed in triplicate upon forms prescribed by the Administrator and pursuant to instructions stated on such forms, and shall be accompanied by three copies of all the evidence, in affidavit form, upon which the landlord intends to rely in support of his objections to the denial of the petition for adjustment or other relief, or to the order entered by the rent director on his own initiative. Immediately upon the filing of an application for review of such denial or order, the rent director shall forthwith forward the record of the proceedings with respect to which such application is filed to the appropriate regional administrator. If a petition for adjustment or other relief is denied by the regional administrator upon such application for review, or if an order entered by the rent director on his own initiative is affirmed, such denial or affirmation shall be final subject only to protest as provided in §§ 1300.214 to 1300.228, inclusive, of this regulation.

§ 1300.210 *Action on applications for review.* Upon the filing of a proper application for review thereof pursuant to § 1300.209 of this regulation, and after due consideration, the regional admin-

istrator shall grant or deny in whole or in part the petition for adjustment or other relief, or affirm or revoke in whole or in part the order entered by the rent director on his own initiative, as the case may be.

SUBPART E—PETITION FOR AMENDMENT

§ 1300.211 *Right to file petition.* A petition for amendment may be filed at any time by any person subject to or affected by a provision of a maximum rent regulation. A petition for amendment shall propose an amendment of general applicability and shall be granted or denied on the merits of the amendment proposed. The denial of a petition for amendment is not subject to protest or judicial review under the Act.

§ 1300.212 *Time and place for filing petitions for amendment; form and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C. Five copies of the petition and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed, or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented. Every such petition shall be designated "Petition for Amendment" and shall contain, upon the first page thereof, the name of the defense-rental area and the number and date of issuance of the maximum rent regulation to which the petition relates, and the name and address of the petitioner. The petition shall specify the manner in which the petitioner is subject to or affected by the provision of the maximum rent regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in his petition.

§ 1300.213 *Joint petitions for amendment.* Two or more persons may file a joint petition for amendment, where the amendments proposed are identical or substantially similar. Joint petitions shall be filed and determined in accordance with the rules governing the filing and determination of petitions filed by one person. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint petitions, he may treat such joint petitions as several, and, in any event, he may require the filing of relevant material by each individual petitioner.

§ 1300.214 *Action by the Administrator on petition.* In the consideration of any petition for amendment, the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more petitions for amendment, the Administrator may consolidate such petitions.

SUBPART C—PROTESTS

§ 1300.215 *Right to protest.* Any landlord subject to any provision of a maximum rent regulation or of an order issued under §§ 1300.209 and 1300.210 of this regulation, may file a protest in the manner set forth below. A landlord is, for the purposes of this regulation, subject to a provision of a maximum rent regulation or of an order, only if such provision prohibits or requires action by him. Any protest filed by a landlord not subject to the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Administrator.

§ 1300.216 *Time and place for filing protests.* Any protest against a provision of a maximum rent regulation, or an order issued under §§ 1300.209 and 1300.210 of this regulation, shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of sixty days after the date of issuance of such regulation or order, regardless of the effective date thereof: *Provided*, That a protest against a provision of a maximum rent regulation based solely on grounds arising after the date of issuance of such maximum rent regulation shall be filed within a period of sixty days after the protestant has had, or could reasonably have had, notice of the existence of such grounds.

§ 1300.217 *Form of protest.* Every protest shall be clearly designated a "Protest" and shall contain, upon the first page thereof, (a) the name of the protestant and of the defense-rental area for which the maximum rent regulation or order protested was issued, (b) a statement whether the protest is against a maximum rent regulation or order, and (c) the date of issuance and the number of such maximum rent regulation or order. One original and five copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and should be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented.

§ 1300.218 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the information specified in § 1300.217 of this regulation.

§ 1300.219 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the manner in which the protestant is subject to the provision of the maximum rent regulation or order protested, and the location, by post office address or otherwise, of all housing accommodations involved in the protest.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent,

(c) A clear and concise statement of all objections raised by the protestant against the provision of the maximum rent regulation or order protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum rent regulation or order, the specific changes which he seeks to have made therein.

(f) In cases where the protest is based upon grounds arising after the date of issuance of the maximum rent regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement signed and sworn to (or affirmed) by the protestant personally or, if a partnership, by a partner or if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information and belief. The protestant shall specify which of the facts are known to him to be true and which are alleged on information and belief.

§ 1300.220 *Affidavits or other written evidence in support of protest.* Every protestant shall file together with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information: *Provided*, That on a protest of an order, the evidence and all documents in proceedings had in connection therewith, shall be a part of the record on protest and need not be filed by the protestant.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement by the protestant in affidavit form setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limit for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence. Any affidavits providing further evidence, pursuant to order, shall contain the information required by subparagraph (a) of this section.

§ 1300.221 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the

objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.

§ 1300.222 *Joint protests.* Two or more landlords may file a joint protest. Joint protests shall be filed and determined in accordance with the rules governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with § 1300.219 (g) of this regulation by each protestant. A joint protest may be filed only where at least one ground is common to all persons joining in it. Whenever the Administrator deems it to be necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by the individual protestants.

§ 1300.223 *Amendment of protest and presentation of supplemental evidence.* (a) The protestant may amend his protest or his affidavits and briefs submitted therewith, or may add to such material within a period of sixty days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, or, in the case of a protest based solely on grounds arising after the date of issuance of a maximum rent regulation, within sixty days after the protestant has had or could reasonably have had notice of the existence of such grounds.

(b) After the time prescribed in paragraph (a) of this section, a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest. No amendment which adds a new ground of protest will be permitted.

§ 1300.224 *Protest and evidential material not conforming to this regulation.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to the requirements of this regulation, the Administrator may dismiss such protest, or, in his discretion, may strike such evidential material from the record of the proceedings in connection with the protest.

§ 1300.225 *Action by the administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with this regulation, but in no event more than thirty days after such filing or ninety days after the issuance of the maximum rent regulation or order against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) Grant or deny such protest in whole or in part; or

(2) Notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.229 to 1300.237, inclusive of this regulation; or

(3) Provide an opportunity to present further evidence in connection with such protest. Before, or within a reasonable time after, the presentation of such further evidence, the Administrator may notice such protest for oral hearing in ac-

cordance with subparagraph (2) of this section, may include additional material in the record of the proceedings in connection with the protest in accordance with § 1300.226 of this regulation, or may take such other action as may be appropriate to the disposition of the protest.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.

§ 1300.226 *Statements in support of maximum rent regulation or order.* (a) Any person affected by the provisions of a maximum rent regulation, or of an order issued thereunder, may at any time after the issuance of such regulation or order submit to the Administrator a statement in support of any such provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation or order in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.220 of this regulation.

(b) In the event that a protest has been, or is subsequently, filed against a provision of a maximum rent regulation or order in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.227 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.

§ 1300.228 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.

ORAL HEARINGS

§ 1300.229 *Requests for oral hearing.* Any protestant or petitioner may request an oral hearing. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence and briefs will not permit the fair

and expeditious disposition of the protest. In the event that an oral hearing is ordered in connection with a protest, or with proceedings under section 8 of this regulation, notice thereof shall be served on the protestant or petitioner not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice. Any such oral hearing may be limited in such manner and to the extent deemed appropriate to the expeditious determination of the proceeding.

§ 1300.230 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the protestant or petitioner may be requested to appear at a conference to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact which will avoid unnecessary proof; and (c) such other matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the officer authorized to conduct such conference shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, such negotiations may be conducted by correspondence.

§ 1300.231 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.

§ 1300.232 *Conduct of the oral hearing.* (a) An oral hearing on a protest or petition shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. Any such appointment or designation may be made or revoked at any time. (b) The oral hearing shall be conducted in such manner as will permit the protestant or petitioner to present evidence and argument to the fullest extent compatible with expeditious decision of the issues. To this end:

(1) The rules of evidence prevailing in courts of law or equity shall not be controlling; and

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to the protestant or petitioner, may restrict oral argument and the examination and cross-examination of witnesses: *Provided*, That in no event shall this section be construed to limit the right of the protestant or petitioner to submit affidavits or other written evidence or arguments.

§ 1300.233 *Filing of briefs.* The presiding officer shall allow the protestant or petitioner to file briefs or written arguments within such time as he shall designate.

§ 1300.234 *Subpoenas.* (a) Any protestant or petitioner may apply for a subpoena in connection with an oral hearing. Applications for subpoenas

when made prior to the oral hearing shall be filed as follows: (1) in connection with a protest against a provision of a maximum rent regulation or order, with the Secretary, Office of Price Administration, Washington, D. C.; (2) in connection with a proceeding under section 8 of this regulation with the rent director or regional administrator, as the case may be, before whom such proceeding is pending. The Administrator may grant or deny an application for a subpoena or refer it to the presiding officer appointed or designated under § 1300.232 who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the act. When the subpoena is issued at the instance of the Administrator, fees and mileage need not be tendered.

§ 1300.235 *Witnesses.* Witnesses summoned before the presiding officer at any hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.

§ 1300.236 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.

§ 1300.237 *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C., or in the appropriate regional office or defense-rental area office.

OPINION AND TRANSCRIPT ON PROTESTS

§ 1300.238 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order.

§ 1300.239 *Treatment of protest as petition for amendment or for adjustment or other relief.* Any protest filed against a provision of a maximum rent regulation may, in the discretion of the Administrator, be treated not only as a

protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or other relief pursuant thereto, when the facts produced in connection with the protest justify such treatment.

§ 1300.240 *Transcript for judicial review.* The transcript for judicial review shall include:

- (a) The designation of the defense-rental area;
- (b) The rent declaration;
- (c) The maximum rent regulation or order against a provision of which the protest was filed;
- (d) The protest;
- (e) A statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and
- (f) Such other portions of the proceedings in connection with the protest as are material under the complaint.

SUBPART D—INTERPRETATIONS

§ 1300.241 *Interpretations.* An interpretation given by an officer or employee of the Office of Price Administration with respect to any provision of the act or any maximum rent regulation or order thereunder, will be regarded by the Office of Price Administration as official only if such interpretation was requested and issued in accordance with §§ 1300.242 to 1300.244, inclusive, of this regulation. Action taken in reliance upon and in conformity with an official interpretation and prior to any revocation or modification thereof or to any superseding thereof by regulation, order or amendment, shall constitute action in good faith pursuant to the provision of the act, or of the regulation or order to which such official interpretation relates. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given unless issued as an interpretation of general applicability.

§ 1300.242 *Requests for interpretations: Form and contents.* Any person desiring an official interpretation of the Emergency Price Control Act of 1942, or of any maximum rent regulation or order thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to whom his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

§ 1300.243 *Interpretation to be written: Authorized officials.* Official interpretations shall be given only in writing, signed by one of the following officers

of the Office of Price Administration: the Administrator, the general counsel, any associate or assistant general counsel, any regional attorney, any regional rent attorney, any chief attorney for a State or district or defense-rental area office, and any district rent attorney: *Provided*, That interpretations of general applicability shall be given only by the Administrator, the general counsel, or any associate or assistant general counsel.

§ 1300.244 *Revocation or modification of interpretations.* Any official interpretation, whether of general applicability or otherwise, may be revoked or modified by a publicly announced statement by any official authorized to give interpretations of general applicability or by a statement or notice by the Administrator or general counsel published in the FEDERAL REGISTER. An official interpretation addressed to a particular person may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the general counsel or any associate or assistant general counsel. An official interpretation addressed to a particular person by a regional attorney, a regional rent attorney, or a chief rent attorney for a defense-rental area office may also be revoked or modified at any time by a statement in writing mailed to such person and signed by the attorney who issued it or by his successor.

SUBPART E—MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 1300.245 *Filing of notices, etc.* All notices, reports, registration statements and other documents which a landlord is required to file pursuant to the provisions of any maximum rent regulation shall be filed with the appropriate defense-rental area office, unless otherwise provided in such maximum rent regulation or in this regulation.

§ 1300.246 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service. When service is by unregistered mail, an affidavit that the document has been mailed shall be proof of service.

§ 1300.247 *Action by representative.* Any action which by this regulation is required of, or permitted to be taken by a landlord may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord has by written power of attorney authorized to represent him. Such power of attorney, signed by the landlord, shall be filed at the time such action on his behalf is taken.

§ 1300.248 *Secretary: Office hours.* The office of the Secretary, Office of Price Administration, Washington, D. C., shall be open every day except Sunday from 9 a. m. until 5 p. m. Any person desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Secretary, requesting permission therefor.

§ 1300.249 *Confidential information, inspection of documents filed with Secretary.* Protests and all papers filed by protestants in connection therewith are public records, open to inspection in the office of the Secretary upon such reasonable conditions as the Secretary may prescribe. Except as provided above, confidential information filed with the Office of Price Administration will not be disclosed, unless the Administrator determines the withholding thereof to be contrary to the interests of the national defense and security.

§ 1300.250 *Former employees not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection with any protest, petition for amendment, application for review, petition for adjustment or other relief or other proceeding before the Office of Price Administration: *Provided*, That this provision shall not be construed to prohibit a person who performs services for the Office of Price Administration without pay, or as a part-time employee, from acting as such agent, attorney, or representative in a matter which was not pending before the Office of Price Administration during the period of employment of such person.

§ 1300.251 *Definitions.* As used in this regulation, unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942 (Public Laws 421, 77th Cong.).

(b) "Administrator" means the Price Administrator of the Office of Price Administration or such person or persons as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum rent regulation" means any regulation establishing a maximum rent.

(e) "Maximum rent" means the maximum rent established by any maximum rent regulation or order for the use of housing accommodations within any defense-rental area.

(f) "Date of issuance," with respect to a maximum rent regulation, means the date on which such maximum rent regulation is filed with the Division of the Federal Register.

(g) "Person" includes an individual, corporation, partnership, association, or

any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Protestant" means a person subject to any provision of a maximum rent regulation or order who files a protest in accordance with Section 203 (a) of the Act.

(i) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(j) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(k) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishing, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(l) "Defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of the Act.

(m) "Rent director" means the person designated by the Administrator as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the rent director by the Administrator.

(n) "Regional administrator" means the person designated by the Administrator as administrator of any regional office established by the Office of Price Administration or such person or persons as may be designated to carry out any of the duties delegated to the regional administrator by the Administrator.

§ 1300.252 Amendment of this regulation. Any provision of this regulation may be amended or revoked by the Administrator at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.

§ 1300.253 Effective date of Revised Procedural Regulation No. 3. Sections 1300.209 and 1300.210 of this regulation are applicable to petitions for adjustment or other relief which are denied in whole or in part by the rent director, or to orders entered by the rent director pursuant to § 1300.207 of this regulation, on or after the effective date of this regulation. Protests against such denials or orders entered prior to February 1, 1943, shall be filed and acted upon pursuant to the applicable provisions of Procedural Regulation No. 3 as heretofore and such provisions are continued in effect for this purpose. This regula-

tion shall become effective February 1, 1943.

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-610; Filed, January 12, 1943;
4:46 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 266; Amendment 2]

CERTAIN TISSUE PAPER PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The last sentence in § 1347.510, subparagraph (12) of § 1347.512 (a), in § 1347.515, subparagraph (2) of paragraph (b), subparagraph (5) of paragraph (d), and subparagraph (5) of § 1347.516 (c) are amended; subparagraph (24) is added to § 1347.512 (a), in § 1347.515 subparagraphs (4) and (5) are added to paragraph (b) and subdivisions (i) and (ii) are added to paragraph (c) (2), a sentence is added to subparagraph (5) of paragraph (c); in § 1347.516, subparagraph (2) is added to paragraph (a), subparagraphs (3) and (4) are added to paragraph (b), and subdivision (i) and (ii) are added to paragraph (c) (2) as set forth below:

§ 1347.510 Relief for signatories of voluntary agreements.

* * * If, within 21 days after the filing of the petition, such petition has not been denied by the Office of Price Administration, the manufacturer may sell at such price, subject to non-retroactive adjustment by this Office: *Provided*, That the manufacturer shall for a period of 60 days attach to all billings on such sales made to distributors a copy of paragraph (c) (2) (i) of § 1347.515 and paragraph (c) (2) (i) of § 1347.516.

§ 1347.512 Definitions. (a) When used in this Maximum Price Regulation No. 266 the term:

(12) "Toilet tissue" includes all tissue papers having a basis weight of 8 to 16 pounds, inclusive, (24 x 36—500), a square inch area per sheet of 16 to 41 inches, inclusive, made from either chemical pulp or mechanical pulp or a combination of the two and designed for toilet use.

(24) "Prices charged for deliveries during March, 1942", shall have the same meaning as the phrase "highest price charged during March, 1942" in the General Maximum Price Regulation.

§ 1347.515 Appendix A: Maximum prices for toilet tissue 4½" wide.

*Copies may be obtained from the Office of Price Administration.
*7 F.R. 8335, 10714.

(b) * * *

(2) *F. o. b. mill basis.* Where shipments of toilet tissue are made on an f. o. b. mill basis the manufacturer's maximum price, which in no event may exceed the prices charged by the manufacturer during March, 1942, shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that \$0.12 must be deducted from the applicable price factor. Freight charges to the point of delivery may be added to the resulting f. o. b. price: *Provided*, That in no event shall such maximum price, including freight charges, exceed the maximum zone price which would apply at the given destination.

(4) *Provisions for determining maximum prices for sales to the Army, Navy or Lend-Lease Administration under certain conditions.* (i) Any manufacturer who, prior to the effective date of Maximum Price Regulation No. 266, had agreed, offered, or contracted to supply toilet tissue to the Army, Navy, Lend-Lease Administration or any other agency of the United States under "Emergency Alternate Federal Specification E-UU-P-558b" at prices in excess of the maximum prices established under paragraph (b) (2) above, must adjust such prices to conform with these provisions. Such manufacturer may make additional charges for the net difference in cost of casing materials, including metal strapping where such strapping is specified, if the f. o. b. mill price, without the addition of such charges, does not cover his manufacturing costs plus the weighted average margin of profit realized during 1942 from the sale of his largest volume industrial toilet tissue item at a carload price established by this regulation. Such manufacturer desiring to make such additional charges shall file with the Office of Price Administration a statement that he had not prior to November 26, 1942, offered, agreed or contracted to supply such toilet tissue at the maximum prices provided in paragraph (b) (2) above, or less, and a detailed statement in affidavit form of all the costs of producing such tissue, including such additional charges, and a proposed maximum f. o. b. mill price, which may in no event exceed his manufacturing costs plus the weighted average margin of profit realized during 1942 from the sale of his largest volume industrial toilet tissue item at a carload price established by this regulation. If, within ten (10) days after such filing is received in Washington, D. C., the proposed maximum price has not been disapproved, or the time extended by letter by the Office of Price Administration, the manufacturer may sell at such price subject to non-retroactive adjustment by this Office. This provision shall also apply to manufacturers who did not bid or make such offers, agreements or contracts prior to the effective date of this regulation.

(ii) Supplementary Order No. 34 shall not apply to this Maximum Price Regulation No. 266.

(5) *Manufacturers' maximum prices for sales made directly to industrial, institutional and commercial users, and to*

purchasers other than distributors. On sales made directly to industrial, institutional and commercial users, and to purchasers other than distributors, a manufacturer who, during the period of October 1 to October 15, 1941, had an established practice of selling to such purchasers at prices in excess of those established for other classes of purchasers, may compute the maximum price for such sales by multiplying the manufacturers' maximum price, as established by this regulation, by the lesser of the following amounts:

(1) The highest markup which the manufacturer applied to sales of toilet tissue of a given grade to a purchaser of the same class during the period of October 1 to October 15, 1941 or

(ii) The markups permitted paper merchants in § 1347.515 (c) (2).

In no event may the resulting maximum price exceed the highest price charged for such sales made during March 1942.

(c) *Distributors' maximum prices.*

* * *

(2) * * * *
(1) Where a distributor purchases toilet tissue from a manufacturer whose petition under § 1347.510 has not been denied by the Office of Price Administration, such distributor, upon receipt of the notice provided for in such section, need not be restricted by his own March 1942 price for sales to such toilet tissue, except that the resulting maximum price shall not be in excess of the March 1942 price charged for deliveries of the same or similar commodity by his most closely competitive seller of the same class.

(ii) In the event that the mark-up as determined under paragraph (c) (1) and (2) above is less than 85% of the mark-up set forth in paragraph (c) (1) above, the maximum price shall be computed by multiplying the manufacturer's maximum price by 85% of such mark-up set forth in paragraph (c) (1).

(5) * * * * Such charge shall be set forth in the invoice or other evidence of sale, and may be amortized over a definite period of time.

(d) *Retailers maximum prices* * * *
(5) *Examples:* * * *

2. A retailer purchases from his supplier a case of Y Brand of toilet tissue at a net cost of \$4.60 in December, 1942. Assume the "March, 1942 percentage mark-up" on Y brand of toilet tissue was 1.32. The calculations are as follows:

\$ 4.60
1.32
—
920
1380
460
—
\$6.0720

The retailer's ceiling price is \$6.07 per case of 100 rolls or 6 cents per roll.

* * *

§ 1347.516 *Appendix B: Maximum prices for paper towels.* (a) * * *

(2) *Special products.* Paper towels sold through coin-operated vending machines are excluded from this Maximum Price Regulation No. 266, and are cov-

ered by the General Maximum Price Regulation.

(b) * * *

(3) *F. o. b. mill basis.* Where shipments of paper towels are made on an f. o. b. mill basis the manufacturers' maximum price, which in no event may exceed the prices charged by the manufacturer for deliveries during March 1942, shall be computed in accordance with the provisions of paragraph (a) (1) of this section, except that \$0.70 per cwt. shall be deducted from the price. Freight charges to the point of delivery may be added to the resulting f. o. b. mill price: *Provided*, That in no event shall such maximum price, including freight charges, exceed the maximum zone price which would apply at the given destination.

(4) *Maximum prices for sales to industrial, institutional and commercial users and to purchasers other than distributors.* On sales made directly to industrial, institutional and commercial users or to purchasers other than distributors, a manufacturer who, during the period of October 1 to October 15, 1941, had an established practice of selling to such purchasers at prices in excess of those established for other classes of purchasers, may compute the maximum price for such sales by multiplying the manufacturer's maximum price as established by this regulation by the lesser of the following amounts:

(i) The highest mark-up which the manufacturer applied to sales of paper towels of a given grade to a purchaser of the same class during the period of October 1 to October 15, 1941; or

(ii) The mark-ups permitted paper merchants in § 1347.516 (c) (2).

In no event may the resulting maximum price exceed the highest price charged for such sales made during March, 1942.

(c) *Distributors' maximum prices.*

(2) * * *

(i) Where a distributor purchases paper towels from a manufacturer whose petition under § 1347.510 has not been denied by the Office of Price Administration, such distributor, upon receipt of the notice provided for in such section, need not be restricted by his own March 1942 price for sales of such paper towels, except that the resulting maximum price shall not be in excess of the March 1942 price charged for deliveries of the same or similar commodity by his most closely competitive seller of the same class.

(ii) In the event that the mark-up as determined under paragraph (c) (1) and (2) above is less than 85% of the mark-up set forth in paragraph (c) (1) above, the maximum price shall be computed by multiplying the manufacturer's maximum price by 85% of such mark-up set forth in paragraph (c) (1).

(5) Where a merchant or distributor supplies cabinets or other fixtures for the dispensing of paper towels in connection with the sale of such products, he may make a charge for the sale of such cabinet or fixture at a price not

exceeding 150 per cent mark-up of the cost to him of such cabinet or fixture. Such charge shall be set forth in the invoice or other evidence of sale, and may be amortized over a definite period of time.

* * *
§ 1347.514a *Effective dates of amendments.* * * *

(c) Amendment No. 2 (§§ 1347.510, 1347.512 (a) (12) and (24), 1347.515 (b) (2), (4) (i) and (ii), (5) (i) (ii), (c) (2) (i) (ii), (c) (5), (d) (5) 2, 1347.516 (a) (2), (b) (3) (4) (i) (ii), (c) (2) (i) (ii) and (c) (5) to Maximum Price Regulation No. 266 shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-612; Filed, January 12, 1943; 4:40 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 238, Amendment 8]

ADJUSTED AND FIXED MARK-UP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of Amendment No. 8 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.*

Two new §§ 1351.608a and 1351.608b are added to read as set forth below:

§ 1351.608a *How a new retailer determines his maximum prices under this regulation—(a) How a new retailer determines his classification.* A retailer who opens a new retail outlet subsequent to the effective date of this regulation shall, for the purpose of this regulation, be classified as a Class 1 retailer, unless the new retailer is a member of a chain, in which case he shall be classified as a Class 4 retailer.

At the end of 3 months following the opening of the new retail outlet, the new retailer must ascertain his gross sales volume for the 3 month period, and multiply that figure by four to arrive at an estimated annual gross sales volume. If this figure is an amount that would place the new retailer in a class different from the one in which he is placed by the foregoing paragraph, he must, within 10 days following the 3 month period recalculate his maximum prices in accordance with his new classification and also notify in writing his local war price and rationing board of his new classification. He shall apply the applicable figure as set forth in Appendix A or B to the "net cost" used in calculating his maximum prices in effect at the end of the 3 month period.

*Copies may be obtained from the Office of Price Administration.

17 F.R. 8209, 8808, 9184, 10013, 10227, 10714; 8 F.R. 120, 374.

(b) *How a new retailer calculates his maximum prices.* A new retailer shall calculate his maximum prices in accordance with §§ 1351.602 and 1351.603 of this regulation except that in calculating the first maximum prices under this regulation the "net cost" of the item being priced shall be based on the new retailer's first purchase of the item.

(c) *Recording of maximum prices by a new retailer.* Within 60 days after the opening of the new retail outlet, a new retailer must calculate and record on Form 338.1 (or a copy thereof) as set forth in Appendix C of this regulation all of his maximum prices for any item of food product covered by this regulation, except that in place of the date in column 2 of Appendices A and B, he shall insert the date which is 60 days from the day he opens his new retail outlet, and in place of the date in column 3 of Appendices A and B, he shall insert the date which is 70 days from the day he opens his new retail outlet.

If the new retailer's classification changes after his first 3 months of operation, he shall, within 10 days after the end of the 3 month period, insert in the copy of Form No. 338.1 retained by him his new maximum prices in accordance with his new classification in place of the maximum prices previously calculated by him.

No sales of any item of food product covered by this regulation shall be made by a new retailer before he calculates, records and posts his maximum prices as required by §§ 1351.602 and 1351.603, or in the case of a reclassification, before he calculates, records and posts his new maximum prices.

(d) *Filing of maximum prices by a new retailer.* Within 70 days after the opening of the new retail outlet, a new retailer must report all of his maximum prices determined under this regulation to the war price and rationing board of the Office of Price Administration which has charge of the area in which his outlet is located on form No. 338.1 (or a copy thereof) as set forth in Appendix C of this regulation. This form shall be signed and subscribed and sworn to before a notary or other proper official.

If the new retailer's classification is changed after his first 3 months of operation he shall, within 10 days after he recalculates his new maximum prices in accordance with his new classification report in writing all of his new maximum prices to the war price and rationing board of the Office of Price Administration which has charge of the area in which his outlet is located.

§ 1351.608b *Special retailer classifications—(a) Retail route sellers—*(1) *Classification and definition of retail route sellers.* A "retail route seller" shall for the purpose of this regulation be classified as a Class 1 retailer, regardless of whether or not he falls into another class by reason of his annual gross sales volume, or because he is a member of a chain.

A "retail route seller" is a person who customarily makes sales at retail of the food products covered by this regulation

from a truck or wagon operated by a driver-salesman over a regular route.

The provisions in § 1351.603a, applicable to a "new retailer", shall apply to a new "retail route seller" except that a "retail route seller" who commences his business subsequent to the effective date of this regulation is not required to reclassify himself on the basis of his gross sales volume for his first 3 months in business, but he shall remain a Class 1 retailer under this regulation.

(2) *Calculation, recording and filing of maximum prices by a "retail route seller".* A "retail route seller" shall calculate his maximum prices in accordance with §§ 1351.602 and 1351.603 of this regulation; he shall record his maximum prices in accordance with § 1351.603 (a) and shall report all of his maximum prices to the war price and rationing board of the Office of Price Administration which has charge of the area in which his outlet is located in accordance with § 1351.606 (b).

If a "retail route seller" has already calculated a maximum price under this regulation, as a retailer other than Class 1, for a food product for which the "last date for calculating maximum prices" as set forth in Appendix A or B has expired, then such a "retail route seller" may calculate a new maximum price by applying the applicable figure for a Class 1 retailer to the "net cost" used in calculating his maximum price in effect on the effective date of this amendment.

§ 1351.617a *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§§ 1351.608a and 1351.608b) to Maximum Price Regulation No. 238 shall become effective on January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-611; Filed, January 12, 1943;
4:40 p. m.]

PART 1358—TOBACCO

[MPR 283, Amendment 1]

BURLEY (TYPE NO. 31) TOBACCO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraphs (a) and (b) of § 1358.151, paragraph (b) of § 1358.155, paragraph (b) of § 1358.157, are amended and paragraphs (c), (d), (e) and (f) to § 1358.151, subparagraphs (2), (3), (4), (5), (6) and (7) to paragraph (a) of § 1358.158 and § 1358.160a are added, as set forth below:

§ 1358.151 *Prohibition of purchases of burley (Type No. 31) tobacco above maximum prices.* On and after January 12, 1943, regardless of any contract, agreement, lease or other obligation.

*Copies may be obtained from the Office of Price Administration.

17 F.R. 10224.

(a) No person shall buy or receive any burley (Type No. 31) tobacco at prices higher than the maximum price for the grade set forth in Appendix A, § 1358.161, of this Maximum Price Regulation No. 283, except as provided in paragraphs (b), (c) and (e) of this section.

(b) No person shall buy or receive any burley (Type No. 31) tobacco on direct order from a dealer at prices higher than the maximum prices for the grades purchased as set forth in Appendix A, § 1358.161, plus the charge for the services rendered, if any, by the dealer for the manufacturer in accordance with paragraph (d) of this section.

(c) No person shall buy or receive any burley (Type No. 31) tobacco from a dealer other than on direct order at prices higher than as follows:

(1) The maximum price for the grade purchased as set forth in Appendix A, § 1358.161, plus

(2) An allowance of not more than 10 percent for shrinkage (determined by dividing the price paid by .9) on the redrying of the tobacco purchased, if the tobacco is redried, plus

(3) The permitted charge set out in paragraph (d) of this section for any service rendered by the dealer for the buyer, plus

(4) Seven percent of the total of the above three items of this paragraph (c).

(d) Maximum charges per cwt. which may be added by dealers for services rendered.

Service	Maximum charge
Buying.....	\$9.50
Buying and sheeting.....	.75
(If dealer does not furnish the sheets, the maximum charge shall be 50 cents)	
Buying and green pricing.....	1.25
Buying and redrying.....	2.25
Buying and stemming.....	7.00

(e) Any dealer who warehouses burley (Type No. 31) tobacco may add to the maximum price established by the provisions of this section for such burley tobacco, a carrying charge not to exceed 1 percent of such maximum price per month for each month warehoused, except that no charge shall be added for the first 60 days of such warehousing.

(f) No person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1358.155 *Erason.* * * *

(b) Specifically, but not exclusively, the following practice is prohibited.

(1) Any sale of burley (Type No. 31) tobacco without being graded by the Agricultural Marketing Administration of the United States Department of Agriculture.

§ 1358.157 *Records and reports.* * * *

(b) Every purchaser of burley (Type No. 31) tobacco shall file with the Office of Price Administration in Washington, D. C., for each week of its buying season for burley (Type No. 31) tobacco during which such purchaser bought any grade of such tobacco, a statement setting forth the total number of pounds of each grade bought and the total amount paid for the pounds of each grade bought. The report submitted for any week shall

be filed within 14 days of the close of such week.

§ 1358.158 *Definitions.* (a) When used in this Maximum Price Regulation No. 283, the term:

(2) "Dealer" means any person, including a speculator or a pinhooker, who purchases any grade of burley (Type No. 31) tobacco and resells the same without any further processing other than those services set out in paragraph (d) of § 1358.151.

(3) "Grade" means the basic standard grades of burley (Type No. 31) tobacco established by the Agricultural Marketing Administration of the United States Department of Agriculture and set out in Appendix A, § 1358.161 (a) of this Maximum Price Regulation No. 283.

(4) "Person" includes individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(5) "Purchase on direct order" means a purchase made in conformity with an agreement to buy for a principal either in the principal's name or for his account.

(6) "Weighted average ceiling price" means the figure obtained by:

(i) Multiplying the total number of pounds of each grade bought during the specified period by the ceiling price for such grade as set forth in Appendix A, § 1358.161 (a).

(ii) Adding together the resulting figures obtained in (i) and

(iii) Dividing the sum obtained in (ii) by the total of the number of pounds of all grades bought during the specified period.

(7) "Weighted average purchase price" means the figure obtained by:

(i) Multiplying the number of pounds bought in each transaction during the specified period by the purchase price per pound paid in the particular transaction.

(ii) Adding together the resulting figures obtained in (i), and

(iii) Dividing the sum obtained in (ii) by the total number of pounds of all grades bought during the specified period.

§ 1358.160a *Effective dates for amendments.* (a) This Amendment No. 1 to Maximum Price Regulation No. 283 (§§ 1358.151, 1358.155, 1358.157, 1358.158 and 1358.160a) shall become effective January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

Approved:

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-619; Filed, January 12, 1943;
4:42 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,¹ as Amended, Amendment 66]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1390.32 (Appendix A) and 1390.34 (Appendix C) are amended as follows:

In § 1390.32 (e) the term "X-ray and electro-therapeutic apparatus" is deleted and is added, in alphabetical order, to § 1390.34.

In § 1390.32 (e) the term "Instruments for measuring electrical quantities (except automotive)" is amended to read "Instruments for measuring electrical quantities (except automotive or medical)".

§ 1390.31a *Effective dates of amendments.* * * *

(ooo) Amendment No. 66 (§§ 1390.32 (e) and 1390.34) to Maximum Price Regulation No. 136, as amended, shall become effective January 18, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-616; Filed, January 12, 1943;
4:41 p. m.]

PART 1391—BICYCLES AND BICYCLE EQUIPMENT

[Revised Ration Order 7,² Amendment 7]

NEW ADULT BICYCLE RATIONING REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1391.7, paragraphs (a) (1) and (a) (1) (xvi) are amended, paragraph (a) (1) (xvii) is added and paragraph (a) (5) is revoked.

Transfers for Use or Salvage

§ 1391.7 *Eligibility for certificates.*

(a) * * *

(1) That he is engaged in the performance of an activity or of work or services as a

(xvi) Person attending school.

(xvii) Person who (a) resides in an area where the value of the basic gaso-

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556, 8 F.R. 155.

² 7 F.R. 5062, 5871, 8808, 9823, 10337.

line ration available for passenger automobile use on the highways is less than four gallons per coupon and (b) who is gainfully employed or engaged in work which contributes to the war effort or to the public welfare.

Effective Dates

§ 1391.37 *Effective dates of amendments.* * * *

(g) Amendment No. 7 (§ 1391.7, (a) (1), (a) (1) (xvi), (a) (1) (xvii) and (a) (5)) to Revised Ration Order 7 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, Supplementary Directive No. 1G, 7 F.R. 562, 3546)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-614; Filed, January 12, 1943;
4:41 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5B,¹ Amendment 12]

GASOLINE RATIONING REGULATION FOR PUERTO RICO

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (a) of § 1394.2601 is amended as set forth below:

§ 1394.2601 *Value of coupons.* (a) Each gasoline ration coupon of the class hereinafter designated shall have the following value in gallons of gasoline:

Class:	Gallons
A.....	1/2
B.....	1/2
C.....	1 1/2
D.....	1/2
E.....	1 1/2
R.....	5
S1.....	3
S2.....	4
S3.....	8
S4.....	2
S5 (any color).....	2
Gallon bulk.....	1
100 gallon bulk.....	100

§ 1394.3052 *Effective dates of amendments.* * * *

(1) Amendment No. 12 to Ration Order 5B (§ 1394.2601 (a)) shall become effective at 8:00 a. m. on January 2, 1943.

(Pub. Law 617, 76th Cong.; as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; W.P.B. Dir. No. 1, Supp. Dir. No. 1J, as amended, 7 F.R. 562)

Issued this 31st day of December 1942.

WILLIAM B. MEAD,
Director for Puerto Rico.

[F. R. Doc. 43-618; Filed, January 12, 1943;
4:42 p. m.]

¹ 7 F.R. 5607, 6389, 6390, 7400, 6871, 7008, 8585, 8335, 9134, 9431, 9817, 10109, 10379, 10630.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11, Amendment 24]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5653, subparagraph (3) of paragraph (f) is amended by deleting the period after the word "transferred" and by adding after the word "transferred" the phrase "unless he receives a notice pursuant to subparagraph (8) of this paragraph," and a period is inserted after the word "paragraph", subparagraph (4) is amended, and new subparagraphs (5), (6), (7), (8), (9) and (10) are added to paragraph (f); in § 1394.5707 (b), subparagraphs (3) and (4) are amended and new subparagraphs (5), (6), (7), (8), (9), (10), (11) and (12) are added thereto; and a new paragraph (x) has been added to § 1394.5902; as set forth below:

Restrictions on Transfers to and by Consumers§ 1394.5653 *Transfers to consumers in exchange for coupons.* * * *

(f) * * *

(4) Any dealer or supplier who has made a transfer of fuel oil pursuant to paragraph (d) (2) of Limitation Order L-56, or pursuant to this paragraph or paragraph (g), to a consumer who has failed to surrender coupons or other evidences, or delivery receipts, as required by paragraph (d) of § 1394.5604 or subparagraph (3) of this paragraph, whichever is applicable, shall, on January 14, 15, or 16, 1943, apply in writing to the Board which issued a ration to such consumer, or to which the consumer applied for a ration, or, if the consumer failed to apply for a ration, to the Board having jurisdiction of the area in which the consumer's premises is located, for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or delivery receipts, which the consumer has failed to surrender. (The applicant may include two (2) or more consumers in one application if all such consumers are within the jurisdiction of the same Board.) The applicant shall state:

- (i) His name, firm name, business address and type of business;
- (ii) The address and number of the Board with which he is registered and his registration number;
- (iii) The name and address of the consumer;
- (iv) The amount of fuel oil transferred by him to such consumer pursuant

to paragraph (d) (2) of Limitation Order L-56, or paragraphs (f) and (g) of § 1394.5653;

(v) The gallonage value of the coupons or other evidences, or delivery receipts, which the consumer has failed to surrender in exchange for such transfers;

(vi) The efforts made by the applicant to obtain such coupons or other evidences, or delivery receipts, and the reasons for the consumer's failure to surrender them to him;

(vii) That the consumer's coupon notes or written receipts or both, are attached to the statement, and in the event any is not attached, the reasons for the absence thereof and the other proof, if any, of the statements made in subdivision (iv) of this subparagraph.

(5) The applicant shall submit with his statement:

(i) The unredeemed coupon note executed by the consumer, pursuant to paragraph (d) (2) of Limitation Order L-56; or

(ii) The written receipt of the consumer delivered pursuant to subparagraph (2) of this paragraph; or

(iii) If the consumer failed to execute a coupon note or to deliver a written receipt (as the case may be), such other written proof in support of the statement as the Board may require.

(iv) A written receipt, unsigned, bearing the applicant's registration number, acknowledging the receipt from the Board by the applicant of an exchange certificate (or certificates) of the gallonage requested in the application, which receipt may be substantially in the following form:

I (we) _____ hereby acknowledge receipt from War Price and Rationing Board No. _____ an Exchange Certificate (or Certificates) for _____ gallons of fuel oil in redemption of coupon notes or credits.

(For signature)

(v) An unsealed envelope addressed to the Board with which the applicant is registered, with the required postage affixed thereto.

(6) If the Board is satisfied that the applicant has made a transfer of fuel oil to the consumer pursuant to paragraph (d) (2) of Limitation Order L-56, or paragraphs (f) and (g) of § 1394.5653, and that the consumer has failed to surrender coupons or other evidences, or delivery receipts, as required by § 1394.5604 (b) or subparagraph (3) of this section, the Board shall determine the amount of fuel oil so transferred for which the consumer failed to surrender coupons or other evidences, or delivery receipts. The Board shall then furnish the applicant upon his signing the receipt referred to in subdivision (iv) of subparagraph (5), an exchange certificate or certificates (prepared and signed as provided in § 1394.5723 and containing an appropriate notation referring to

such redemption) equal in gallonage value to the coupons or other evidences, or delivery receipts, which the consumer was required to surrender to the applicant.

(7) Each dealer or supplier who has applied for an exchange certificate pursuant to subparagraph (4) of this paragraph shall immediately forward to the Board to which such applications has been made all coupons or other evidences, or delivery receipts, surrendered to him by the consumer pursuant to § 1394.5604 (d) or subparagraph (3) of this paragraph after the execution of such application.

(8) After furnishing an exchange certificate pursuant to subparagraph (6) of this paragraph, the Board shall promptly notify in writing the consumer to surrender to the Board, within ten (10) days from the date of such notice, the coupons or other evidences, or delivery receipts, which the consumer was required to surrender to the dealer or supplier pursuant to § 1394.5604 (b) or subparagraph (3) of this paragraph or to show good cause for his failure to comply. The Board also shall promptly mail the applicant's signed receipt to the Board with which he is registered.

(9) Every consumer who receives a notice pursuant to subparagraph (8) of this paragraph shall comply therewith. Upon surrender of coupons or other evidences, or delivery receipts, by the consumer, the Board shall make the entries required by §§ 1394.5653 or 1394.5655, as the case may be.

(10) The Board may report to the State or District Office of the Office of Price Administration, having jurisdiction of the area in which the Board is located, the name and address of any consumer who has accepted a transfer pursuant to paragraph (d) (2) of Limitation Order L-56, or paragraph (g) of this paragraph, and has failed to redeem as required by § 1394.5604 (d) or this paragraph: *Provided*, That the Board shall report to such State or District Office the name and address of any consumer accepting any such transfer who has failed not only to make such surrender but to show good cause for his noncompliance with any of the provisions of this paragraph.

Restrictions on Transfers to Dealers and Suppliers§ 1394.5707 *Restrictions on transfers.* * * *

(b) * * *

(3) Any dealer who received a transfer of fuel oil pursuant to paragraph (e) (1) of Limitation Order L-56, or pursuant to paragraph (c) or this paragraph shall, on or before January 18, 1943, surrender to the transferor coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of § 1394.5653 (f), equal in gallonage value to the amount of fuel oil so transferred.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071; 8 F.R. 165, 237.

(4) Any secondary supplier or primary supplier who has made a transfer of fuel oil to a dealer pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, for which the dealer has failed to surrender coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of § 1394.5653 (f) shall, on January 22 or 23, 1943, apply in writing to the Board with which the dealer is registered for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or exchange certificates, which the dealer failed to surrender pursuant to subparagraph (3) of this paragraph. (The applicant may include two (2) or more dealers in one application if all such dealers are registered with the same Board.) The applicant shall state:

- (i) His name, firm name, business address and type of business;
- (ii) The address and number of the Board with which he is registered, and his registration number;
- (iii) The name and address of the dealer accepting such transfer;
- (iv) The amount of fuel oil transferred by him to such dealer pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph;
- (v) The gallonage value of the coupons or other evidences, or exchange certificates, which such dealer failed to surrender in exchange for such transfers;
- (vi) The efforts made by the applicant to obtain such coupons or other evidences, or exchange certificates, and the reasons, if any, for the failure of the dealer to surrender them to him.

(5) The applicant shall submit with his statement the coupon notes or the written receipts of the dealer delivered respectively pursuant to paragraph (e) (1) of Limitation Order L-56, or subparagraph (2) of this paragraph, and, if applicant is a secondary supplier, a receipt and envelope, as specified in subdivisions (iv) and (v) of § 1394.5653 (f) (5).

(6) If the Board is satisfied that the applicant has made a transfer of fuel oil to a dealer pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, and the transferee has failed to surrender coupons or other evidences, or exchange certificates, as required by subparagraph (3), and the Board finds that the failure of the applicant to obtain such surrender is due to the termination of the transferee's operations or to other justifiable cause, the Board shall determine the amount of fuel oil so transferred for which the transferee failed to surrender coupons, or other evidences, or exchange certificates. The Board shall then furnish the applicant, upon his signing the receipt referred to in subparagraph (5), (if a secondary supplier) an exchange certificate or certificates (prepared and signed as provided in § 1394.5723 and containing an appropriate notation referring to such redemption) equal in gallonage value to coupons or other evidences or exchange certificates, which

the transferee was required to surrender to the applicant. If the applicant is a secondary supplier, the Board shall promptly mail his signed receipt to the Board with which he is registered.

(7) Any secondary supplier who, pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, received a transfer of fuel oil from a primary supplier shall, on or before January 25, 1943, surrender to the transferor coupons or other evidences, or exchange certificates, equal in gallonage value to the amount of fuel oil so transferred.

(8) Any primary supplier who has made a transfer of fuel oil to a secondary supplier pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, for which the secondary supplier has failed to surrender coupons or other evidences, or exchange certificates furnished pursuant to subparagraph (6) of this paragraph shall, on January 29 or 30, 1943, apply in writing to the Board with which the secondary supplier is registered for an exchange certificate or certificates (Form OPA R-1118) equal in gallonage value to the coupons or other evidences, or exchange certificates, which the secondary supplier failed to surrender pursuant to subparagraphs (3) of (7) of this paragraph. (The applicant may include two (2) or more secondary suppliers in one application if all such secondary suppliers are registered with the same Board.) The applicant shall state:

- (i) His name, firm name, business address and type of business;
- (ii) The address and number of the Board with which he is registered and his registration number;
- (iii) The name and address of the secondary supplier accepting such transfer;
- (iv) The amount of fuel oil transferred by him to such supplier pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph;
- (v) The gallonage value of the coupons or other evidences or exchange certificates, which such supplier failed to surrender in exchange for such transfers;
- (vi) The efforts made by the applicant to obtain such coupons or other evidences, or exchange certificates, and the reasons, if any, for the failure of the supplier to surrender them to him.

(9) The applicant shall submit with his statement the coupon note or the written receipt of the transferee delivered respectively pursuant to paragraph (e) (1) of Limitation Order L-56, or subparagraph (2) of this paragraph.

(10) If the Board is satisfied that the applicant has made a transfer of fuel oil to a secondary supplier pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, and the transferee has failed to surrender coupons or other evidences, or exchange certificates, as required by subparagraph (3) or (7), and the Board finds that the failure of the applicant

to obtain such surrender is due to the termination of the transferee's operations or to other justifiable cause, the Board shall determine the amount of fuel oil so transferred for which the transferee failed to surrender coupons, or other evidences, or exchange certificates. The Board shall then furnish the applicant an exchange certificate or certificates (prepared and signed as provided in § 1394.5723 and containing an appropriate notation referring to such redemption) equal in gallonage value to the coupons or other evidences, or exchange certificates, which the transferee was required to surrender to the applicant.

(11) Every supplier who has applied for an exchange certificate pursuant to subparagraphs (4) or (8) of this paragraph shall forward to the Board to which the application has been made all coupons or other evidences, or exchange certificates, surrendered to him by the transferee pursuant to § 1394.5604 (d) or this paragraph after the execution of such application.

(12) After furnishing an exchange certificate pursuant to subparagraphs (6) or (10) of this paragraph, the Board shall promptly thereafter notify in writing the dealer or secondary supplier to surrender to the Board, within ten (10) days, the coupons or other evidences, or exchange certificates, which the dealer or supplier was required to surrender pursuant to § 1394.5604 (d) or subparagraphs (3) or (7) of this paragraph or show good cause for his failure to do so. Every dealer or supplier who receives such notice shall comply therewith or show good cause for his failure to comply. The Board may report to the State or District Office of the Office of Price Administration having jurisdiction of the area in which the Board is located the name and address of any dealer or supplier who has accepted a transfer pursuant to paragraph (e) (1) of Limitation Order L-56, or paragraph (c) or this paragraph, and who has failed to surrender coupons or other evidences as required by § 1394.5604 (d) or this paragraph: *Provided*, That the Board shall report to such State or District Office the name and address of any dealer or supplier accepting any such transfer who has failed not only to make such surrender but to show good cause for his omission to do so.

Effective Date

§ 1394.5902 *Effective dates of corrections and amendments.* * * *

(x) Amendment No. 24 (§§ 1394.5653 and 1394.5707) to Ration Order No. 11 shall become effective January 12, 1943.

(Pub. Law 671, as amended by Pub. Laws 89, 471 and 507; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-613; Filed, January 12, 1943; 4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 85 to Supp. Reg. 14¹ to GMPR²]
COFFEE AND COFFEE COMPOUNDS SOLD IN NEW CONTAINERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.* Two sentences are added to the text of subparagraph (7) of § 1499.73, and a new subparagraph (53) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for commodities, services and transactions listed below are modified as hereinafter provided:

(7) *Food products sold in new containers.* * * *

This subparagraph (7) shall not apply to coffee and coffee compounds sold in new containers. For coffee and coffee compounds sold in new containers, see subparagraph (53) of paragraph (a) of this section.

(53) *Coffee and coffee compounds sold in new containers.* This subparagraph establishes maximum prices for brands of coffee or "coffee compounds" which were delivered or offered for delivery during March, 1942 in a metal or glass container but not in a paper or cardboard container, and which now or in the future are sold in a paper or cardboard container. A "coffee compound" is, a blend of coffee with any other ingredient or ingredients in any proportions.

This Amendment No. 85 supersedes subparagraph (7) to § 1499.73 (a) of Supplementary Regulation No. 14 to the General Maximum Price Regulation as to coffee and coffee compounds sold in new containers.

"Maximum price" as used in this subparagraph means the maximum price to a purchaser of the same class for the seller's customary unit of sale whether per case, per dozen or per can, jar, bag or the like.

(i) *Sales by manufacturers.* Manufacturers shall compute their maximum

prices by applying either inferior subdivision (a) or inferior subdivision (b) which follow:

(a) The manufacturer shall subtract from his maximum price for coffee packed in metal or glass container two and three-fourths (2¾) cents per pound; or

(b) The manufacturer shall

(1) Subtract from his maximum price for the coffee in the metal or glass container the "direct cost" of that container, and

(2) Add to this figure the "direct cost" of the new paper or cardboard container. "Direct cost" means delivered cost of the container, label, cap and outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing. If this addition results in a fraction, it shall be raised or lowered to the nearest quarter cent.

The higher of these resulting figures shall be the manufacturer's maximum price for coffee or coffee compound in the new container.

(ii) *Sales by wholesalers and retailers.* A seller at wholesale or retail of coffee or coffee compound for which the maximum price has been determined by the provisions of this subparagraph, shall determine his maximum price by applying the provisions of Maximum Price Regulation No. 237, if he is a wholesaler, and Maximum Price Regulation No. 238 if he is a retailer.

(iii) *Report of prices.* Within 30 days after determining a maximum price under the provisions of this subparagraph, the manufacturer shall report this price to the Imported Foods Section, Office of Price Administration, Washington, D. C., in a statement which shall set forth (a) the brand and size of the coffee for which a maximum price is determined; (b) a brief description of the container in which the brand was delivered or offered for delivery in March and a description of the new paper container, and (c) the maximum price or prices to each class of purchaser for the brand in metal or glass delivered in March and the maximum price or prices to each class of purchaser for the brand in the new container.

If the manufacturer computes his price by applying (i) (b) above, his statement shall contain the following additional information: (d) the "direct cost" of the metal or glass container and (e) the "direct cost" of the new paper or cardboard container.

(b) *Effective date.* * * *

(86) Amendment No. 85 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-615; Filed, January 12, 1943; 4:41 p. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 163, Amendment 4]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Section 1499.152 (a) (1), paragraphs (b) and (c) of § 1499.153 and § 1499.166, Appendix A, are amended, and § 1499.165a (d) is added, all as set forth below:

§ 1499.152 *Prohibition against dealing in certain articles of building materials and consumers' goods above maximum prices.* (a) On and after August 1, 1942, regardless of any contract or other obligation:

(1) No manufacturer of an article set forth in Appendix A (§ 1499.166) of this Maximum Price Regulation No. 183 shall sell or deliver such article at a price higher than the maximum price permitted by this Maximum Price Regulation No. 183; and

§ 1499.153 *Maximum prices for articles of building materials and consumers' goods finally priced before August 1, 1942.* * * *

(b) *Articles priced on and after April 1, 1942, and before August 1, 1942.* (1) The maximum price for any article listed in § 1499.166, Appendix A of this Maximum Price Regulation No. 183 as originally issued on July 29, 1942, which was not delivered or offered for delivery in March 1942 by the manufacturer but for which a maximum price was finally determined in accordance with the provisions of the General Maximum Price Regulation, Temporary Maximum Price Regulation No. 3 or No. 5 or any other maximum price regulation issued by the Office of Price Administration and which was offered for sale before August 1, 1942 (or which was offered for sale to the United States or an Allied government before September 1, 1942) shall be the price so determined.

(2) The maximum price for any article first listed in § 1499.166, Appendix A of this Maximum Price Regulation No. 183 by an amendment to Maximum Price Regulation No. 183, issued after July 29, 1942, which was not delivered or offered for delivery in March 1942 by the manufacturer but for which a maximum price was finally determined in accordance with the provisions of the General Maximum Price Regulation, Temporary Maximum Price Regulation No. 3 or 5, or any other maximum price regulation issued by the Office of Price Administration and which was offered for sale before the effective date of the amendment first listing such commodity shall be the price so determined.

* 7 F.R. 5372, 7367, 8343, 8349, 10155.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865, 11005, 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 9045, 9082, 8131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10122, 10151.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454.

(c) *Reports of maximum prices.* On or before August 20, 1942 (or in the case of sales to the United States Government on or before November 1, 1942), the manufacturer shall report to the Office of Price Administration, Washington, D. C., all maximum prices determined under paragraph (b) (1) of this section which have not already been reported in accordance with the provisions of the General Maximum Price Regulation No. 3 or 5, or any other maximum price regulation issued by the Office of Price Administration. Such reports shall contain a description of the articles and shall indicate the method of determining the maximum prices. All such maximum prices shall be subject to adjustment (not to apply retroactively) at any time upon written order of the Office of Price Administration.

No reports need be filed with respect to maximum prices determined under paragraph (b) (2) of this section.

§ 1499.165a. Effective dates of amendments. * * *

(d) Amendment No. 4 to Maximum Price Regulation No. 188 (§§ 1499.152 (a) (1), 1499.153 (b), 1499.165a (d), and 1499.166) shall be effective January 18, 1943.

§ 1499.166 Appendix A: Articles covered by the regulation. The following articles of building materials and consumer goods shall be covered by this Maximum Price Regulation No. 188:

NOTE: The articles listed below are not intended to include (a) any commodity subject to a specific maximum price regulation or price schedule in effect on August 1, 1942, or issued any time thereafter, or (b) any commodity exempted from the General Maximum Price Regulation by any supplementary regulation thereto, in effect on August 1, 1942, or issued any time thereafter. Since the designations of some articles are broad enough in certain instances to suggest that articles are included which are intended to be excluded, other regulations which might be applicable to the article or type of article have been indicated. Manufacturers selling articles listed below should, before pricing their products in accordance with this regulation, determine whether specific price regulations or regulations supplementary to the General Maximum Price Regulation have been issued subsequent to the date of this regulation with respect to the articles so listed.

(a) Building materials.

(1) Mechanical building materials and equipment.

(i) Repair parts and service parts for mechanical building materials and equipment indicated below.

(ii) Miscellaneous building equipment:

Hardware:

Builders (except as covered by Revised Price Schedule No. 40)
Casket, shell
Furniture
Marine locks and hinges (and other related marine items)
Refrigerator
Showcase

Ornamental iron and sheet metal work:

Air distribution ducts
Conductor pipe, elbows, shoes
Doors (metal)
Flashings and valleys
Gratings and floorings (metal)
Gutters and eaves trough
Heads, funnels and accessories
Louvers (metal)
Miscellaneous sheet metal building products:

Batten strips (metal)
Building corners (metal)
Chimney caps, etc. (metal)
Rain water cut-offs
Pipe hangers, rest rollers and miscellaneous piping accessories
Radiator enclosures (metal)
Ridge roll and accessories
Sash (metal)
Skylights (metal)
Ties (metal)
Timber connectors (metal)
Ventilators, sheet metal
Weatherstrips (metal)
(iii) Heating and winter air conditioning:

Boilers—heating, steam and hot water:

Cast iron—all types (except those covered by Maximum Price Regulation No. 272)
Steel—domestic and commercial (except industrial boilers covered by Maximum Price Regulation No. 136, as amended)

Boilers—hot water supply:

Round or wet dome boilers (low test boilers 65 to 150 lbs. pressure)
Flat top
Round top
Round or sectional type (high test boilers 250 to 350 lbs. pressure)

Burners:

Gas—all types (except industrial covered by Maximum Price Regulation No. 136, as amended)
Oil—all types (except industrial burners using No. 6 Oil or heavier)

Coils:

Extended surface
Finned, etc.

Controls—automatic—for comfort conditioning, either heating or cooling

Fuel oil storage tanks—domestic above ground installation (except those covered by Revised Price Schedule No. 96)

Furnaces, heating, warm air (cast iron or steel):

Gravity
Fan furnace units only
Fan furnace burner units
Defense housing heater units
Defense housing chimney heater units
Floor furnaces (gas or oil type)

Furnace pipe and fittings:

For gravity heating
For forced air heating
Furnace smoke pipe (7 inch and larger)

Miscellaneous heating equipment:

Air distribution outlets:
Registers:
Cast (ferrous or non-ferrous)
Fabricated steel
Pipeless furnace
Grilles:
Cast (ferrous or non-ferrous)
Fabricated steel
Air conditioning grilles

Radiation—cast iron (except as covered by Maximum Price Regulation No. 272):

Small tube (Arco type)
Large tube (Corto type)
Special types:
Hospital
(Radiant front (Richvar)
Wall radiators
Vento radiators

Convectors

Conversion grates (except as covered by Revised Maximum Price Regulation No. 236)

Stokers—Coal (except those having a capacity of 1200 lbs. per hour or more, covered by Maximum Price Regulation No. 136, as amended)

Unit heaters:

Gas
Hot water
Steam
(iv) Plumbing:

Cast iron pressure pipe and fittings

Cast iron soil pipe and fittings (except as covered by Revised Price Schedule No. 100, as amended)

Fire fighting (standpipe) equipment:

Nozzles
Play pipes
Racks
Siamese (or steamer) connections
Wrenches

Hot water heaters:

Direct-fired, all types
Indirect-fired, all types

Plumbing fixtures and specialties:

Accessories (if attached to plumbing fixtures)

Basins
bathtubs
drains
drinking fountains
Ferrules
Fixture trim or fittings
Grease interceptors
Laboratories
Mixing valves
Sinks
Tanks
Trays
Tubs
Urinals
Wash fountains
Wash sinks
Waste connections
Water closets
Etc.

Sprinkler system equipment:

All types

Tanks:

(Defined as pressure vessels customarily prefabricated not exceeding 192 gallons in capacity.)

Made of metal 12" BWI gauge or thinner coated or uncoated lined or unlined

Fabricated from clay or clay products)

Expansion tanks
Hot water storage tanks
Pneumatic tanks
Range boilers

Water filtering and treating equipment:

Domestic, all types.

(v) Valves and pipe fittings:

Cocks—all types and pressure, made of brass, iron, steel, and other materials

Fittings—pipe and tubing:

All types and pressures
Brass (cast or forged)
Iron (cast or malleable)
Steel (cast or forged)
and all other materials

Refrigeration

S. A. E.:

Flanged
Screwed
Welding

All other evolutions of these basic types

Steam and hot water heating specialties (except those covered under Maximum Price Regulation No. 136, as amended)

Valves—hand operated:

All types and pressures. Made of brass, iron, cast or forged steel and other materials.

Angle
Check
Gate
Globe
Refrigeration
S. A. E.

All other evolutions of these basic types

Valves—motor operated:

Air
Electric
Hydraulic

(vi) Commercial refrigeration and summer air conditioning:

Air conditioning units:

(Portable over 1 h. p.)

Cabinets:

Frozen food (commercial type)
Ice cream

Cases: Refrigerated display

Coils (all sizes):

Gravity
Fan coil units
Pipe

Compressors:

(Under 25 h. p. or 25 tons)

Condensers: Evaporative

Coolers:

Beverage
Milk

Water (refrigerated)

Counters: Refrigerated

Refrigerators (over 16 cu. ft. capacity):

Commercial
Reach-in
Walk-in

Specialties—refrigeration and air conditioning

(2) Masonry and construction materials:

Concrete products:

Building blocks and brick
Cast shapes and cast stone
Tile and tiling
Sewer and culvert pipe
Drain tile
Posts, piles, and cribbing
Terrazzo

Septic tanks

Grave vaults

Clay building products

Structural clay products

Brick and hollow tile (glazed and unglazed)

Sand lime brick

Clay drain tile (glazed and unglazed)

Vitrified clay sewer pipe (except as covered by Maximum Price Regulation No. 206)

Clay tile roofing

Clay wall tile

Clay floor tile

Clay quarry tile

Paving brick

Structural terra cotta

Clay filter blocks

Clay conduit (electrical)

Clay wall coping (except as covered by Maximum Price Regulation No. 206)

Clay flue lining and chimney pipe and tops (except as covered by Maximum Price Regulation No. 206)

Clay septic tanks

Clay heating duct units

Clay meter boxes

Refractories:

Fireclay refractories

Silica refractories

Basic refractories (except as covered by Revised Price Schedule No. 75)

Special refractories

High-temperature mortars

Dead burned dolomite

Caustic calcined magnesite

Chemical stoneware

Chemical porcelain

Gypsum:

Crude
Calcined gypsum plaster

Plaster

Lime:

Construction
Metallurgical
Chemical

Sand and gravel

Glass sand

Foundry sand

Slag

Crushed stone:

Construction
Metallurgical
Chemical

Lightweight aggregates

Cinders

Ready-mixed concrete

Slate:

Structural slabs:

Electric
Roofing

Dimension stone:

Limestone

Granite

Marble

Sandstone

Basalt and related rocks

Rough stone:

Rubble

Riprap

Field stone

Clays (merchant):

Slip clays

Ball clay

Fire clay

Stoneware clay

Miscellaneous and common, including shale

Talc, steatite, soapstone, and pyrophyllite

Oil paints and varnishes:

Ready-mixed paints of all types (interior and exterior)

Paste and compaste paints

Putty

Fillers

Oil, varnish, and spirit stains

Paint and varnish remover

Colors in oil

White lead in oil

Zinc white in oil

Marine paints

Artists' colors

Aqueous (water) paints

Paint and varnish brushes and applicators

Compounds:

Calking

Waterproofing (integral and hardeners)

Pipe

(3) Insulating board, roofing materials, and glass

(i) Asphalt and tarred roofing products (except as covered by Revised Price Schedule No. 45):

Roll roofing

Siding (asphalt felt base)

Shingles (asphalt)

Roof coatings and cement

Emulsified asphalt (building materials)

Asphalt and tarred felts

Slater's felts

Asphalts and tarred saturated building papers

(ii) Insulated brick or stone siding (and accessories).

(iii) Asphalt floor tiles (and accessories) (except as covered by Maximum Price Regulation No. 276).

(iv) Asbestos-cement building materials:

Shingles and accessories

Siding and accessories

Flat sheets and accessories

Corrugated sheets and accessories

Wallboard and accessories

Tileboard and accessories

Insulating asbestos-cement board and accessories

Asbestos-cement pipe

(v) Glass products:

Plate (all types)

Window (all types)

Laminated

Picture

Rolled, figured, wired, and rolled heat-absorbing (except as covered by Maximum Price Regulation No. 175)

Colored sheet and opaculent

Cathedral

Structural and architectural

Glass blocks

Other glass insulation products

(vi) Gypsum board:

Wall board

Lath

Sheathing

Liner board

Tile

Joint systems

(vii) Fibre boards:

Wallboard

Display board

Tile board

Shaped board

Poster board

Colored board

(viii) Insulation board:

Wallboard:

Natural and plain

Colored and painted

Textured

Veneered

Sheathing

Plank and tile:

Natural and plain

Colored and painted

Textured

Veneered

Roof insulation

Acoustical

Industrial

(ix) Hard board:

Pneumwood

Tempr pneumwood

Temprtile

Quartboard

Deluxe quartboard

Industrial pneumwood

Weatherwood hard board

Weatherwood treated hard board

Weatherwood dense board

Weatherwood structo board

(x) Decorated tile board (Masonite or Weatherwood base):

Plain

Tile

Mouldings

(xi) Thermal insulations for buildings and industrial purposes:

Rigid

Semi-rigid

Loose

Granulated

(xii) Pipe and boiler insulations:

Cellular

Laminated

Solid

Asbestos rollboard

Asbestos millboard

Asbestos paper

Mineral or glass wool

85% Magnesia:

Molded

Cement

High temperature:

Molded

Cement

(xiii) Metal lath and accessories.

(b) Consumers' goods.

(1) Bedding:

Mattresses and mattress pads.

Bedprings, including boxsprings, coil bedprings and flat bedprings, but not including coil and flat bedprings with non-steel frames.

Double duty sleep equipment, including studio couches, sofa beds, lounges, chair beds, love seats, and sliding couches.

Cots.
Pillows.
Feathers and down.
Sisal pads.
Sleeping bags.
Innerspring units for upholstering and bedding purposes.
Upholstering coils and bedspring metal fabrics.
Inner constructions for boxsprings, studio couches and all double duty sleep equipment.
Quilts and comforters.
High chair, play yard, basket, and nursery seat pads, etc.
Cotton wadding and batting.

(2) Equipment and supplies (except those covered by Maximum Price Regulation No. 136, as amended):

Artists' supplies.
Beauty parlor and barber shop furniture, fixtures and equipment.
Ecclesiastical ware.
Funeral supplies and appurtenances.
Laboratory, hospital and professional fixtures and equipment (except those covered by Maximum Price Regulation No. 136, as amended).
Office fixtures and safes.
Office machines and equipment (manual and electric).
Restaurant fixtures and equipment.
School and office supplies, including carbon paper, but no other paper.
Scientific and technical instruments—apparatus and supplies (except those covered by Maximum Price Regulation No. 136, as amended).
Store machines, fixtures and equipment, including:
Store displays and display fixtures.
Dispensers.
Vending machines (coin operated).
Time clocks.
Measuring devices for yard goods, screens, linoleums, etc.
Signs, electric, mechanical, etc.

(3) Floor coverings. All floor coverings, except terry cloth bath mats and wool floor coverings subject to Revised Price Schedule No. 57.

(4) Furniture. All types of furniture manufactured from any material for any purpose, to be used in any location, and any other articles made to serve the functional purposes of furniture.

Furniture frames: Partially assembled wood furniture parts made by furniture factories.

(5) Hardware tools and appliances (except those covered by Maximum Price Regulation No. 136, as amended, and Maximum Price Regulation No. 196):

(i) Carpenters' tools, including:

Saws.
Chisels.
Hammers.
Hatchets.
Planes.
Non-mechanical rules and tapes.
Auger bits and braces.
Hand drills.
Levels.
Squares.
Miter boxes.
Screw drivers.
Etc.

(ii) Mechanics' tools, including:

Anvils.
Crow bars.
Wrecking bars.
Pinch bars.
Blow torches and fire pots.
Bench grinders.

Hammers.
Wrenches.
Snips.
Hacksaw frames.
Jacks and jack screws.
Lanterns.
Oilers.
Pliers.
Punches.
Tackle blocks.
Trowels.
Vises.
Handles.
Etc.

(iii) Farm and garden tools and supplies, including:

Axes.
Chain.
Corn planters.
Curry combs.
Singletrees.
Doubletrees.
Neckyokes.
Handles.
Grass hooks.
Brush hooks.
Corn and cane knives.
Wheelbarrows.
Couplings and nozzles.
Hog scrapers.
Hog and bull rings.
Well wheels.
Huskies.
Post hole diggers and augers.
Pruning equipment.
Scythes and snaths.
Hedge grass and pruning shears.
Shovels.
Hand sprayers.
Forks, hoes, rakes, etc.
Hose clamps.
Etc.

(iv) Coal miners' tools, including:

Coal picks.
Pinch bars.
Augers.
Needles.
Tempers.
Wedges.
Carbide lamps.
Etc.

(v) Horseshoes and horseshoe nails.

(vi) Ice tools, including:

Saws.
Tongs.
Etc.

(vii) Logging tools, including:

Cant hooks.
Peavies.
Pike poles.
Etc.

(viii) Stove and furnace pipe and elbows.

(ix) Saddlery hardware, including:

Buckles.
Loops.
Rings.
Etc.

(x) Heavy goods, including:

Sledges.
Wedges.
Picks.
Mattocks.
Mauls.
Etc.

(xi) Game traps.

(xii) Pushcarts.

(xiii) Weather stripping.

(6) Household appliances, electrical and other, including:

Household sewing machines.
Ice refrigerators.

Air conditioning equipment (excluding built-in system).
Small electrical household appliances.
Heating appliances, including:

Bakers.
Boilers.
Broilers.
Buffet servers.
Casseroles.
Coffee makers.
Cookers.
Chafing dishes.
Driers (clothes and hair).
Heaters (space and immersion).
Hot plates, grills, and table stoves.
Irons (curling).
Irons (flat).
Irons (waffle).
Kettles.
Heating pads.
Lighters (cigarette, etc.).
Percolators.
Ovens (portable).
Pressers (trouser and tie).
Roasters.
Sterilizers.
Toasters.
Vaporizers.
Warmers (bottle and plate).
Etc.

Power appliances, including:

Freezers (ice cream, domestic).
Mixers and juice extractors.
Fans (ceiling, desk and bracket, pedestal).
Vibrators.
Vaporizers and humidifiers.
Electric shavers.
Etc.

(7) Miscellaneous housewares (except those covered by Maximum Price Regulation No. 196), including:

Cooking utensils.
Cutlery.
Cleaning supplies (mops, brooms, etc.)
Cabinets.
Bathroom equipment.
Fireplace equipment.
Galvanized ware, tin, and painted tinware.
Kitchen tools and gadgets.
Woodenware and baskets (except shipping baskets).
Brushes (except industrial power-driven brushes).
Window shades.
Drapery hardware.
Scissors and shears.
Vacuum bottles and specialties.
Carpet sweepers.
Unfinished furniture.
Venetian blinds.
Awnings.
Screens, window.
Etc.

(8) Commercial kitchen equipment. Commercial and institutional kitchen equipment, irrespective of the type of fuel used, for use in hotels, restaurants, schools, hospitals, industrial and public cafeterias, and similar establishments, including:

Ranges.
Broilers, including salamanders and combination types.
Automatic deep fat fryers.
Bain maries.
Roasting ovens.
Baking ovens (sectional and cabinet types).
Baker stoves.
Steam jacketed kettles.
Stock kettles (electric).
Vegetable steamers—commercial.
Steam tables.
Warming ovens.
Plate warmers.
Hot plates.
Griddles.
Automatic egg broilers.

Coffee urns and coffee-making systems.
Toasters—commercial (gas).
Toasters—commercial, over 2 slices (electric).
Dishwashers—commercial.
Glasswashers—commercial.
Silver burnishers.
Mixers.
Choppers.
Slicing machines.
Potato peelers.
Coffee grinders—commercial.
Chopping blocks.
Pot racks.
Pot sinks and vegetable sinks.
Canopies.
Etc.

(9) Marine items as follows:

Chain and chain links, swivels, and shackles.
Well wheels.
Rope thimbles.
Eye, grab, safety, hoist and cargo hooks.
Rope sockets, clamps and clips.
Barrel and Drum hooks.
Rowlocks.
Blocks and pulleys.
Snaps and other yacht fittings.
Anchors.
Windlasses and winches.
Ventilators.
Deck plates.
Steerers and steering wheels.
Bilge pumps.
Boat hooks.
Throttle and Bulkhead controls.
Mooring and riding bitts.
Chocks and cleats and outhauls.
Guides and leaders.
Gooseneck and boom bands.
Marine lamps and lights.
Marlin spikes.
Fenders, life buoys, and preservers.
Ground tackle.
Outboard motors (portable).
Ring bolts and screws.
Boats and canoes, all outboard and others under 25' except inboard.
Life saving equipment except articles covered by Maximum Price Regulations No. 149, 157, and 220.
Fenders and ring buoys.

(10) Personal and household accessories:

(i) Household accessories, decorations, and giftware, including:

Artificial and preserved flowers, foliage, fruits, etc.
Baskets.
Bookends, wood and metal.
Music boxes.
Ornamental statuary.
Plaques.
Wood carvings.
Screens, decorative.
Etc.

(ii) Notions, including:

Buckles.
Buttons.
Clasps.
Fasteners, slide and snap.
Feathers and plumes.
Hooks and eyes.
Needles—hand, knitting, and crochet.
Pincushions.
Pins—safety, straight, hat, bobby, and hair.
Shootrees.
Thimbles.
Toilet Sets.
Combs.
Vanitys.
Compacts.
Military insignia (except fabric).
Military buttons.
Barettes.
Buttonhooks.
Glove stretchers.
Hair curlers.
Hair nets.

Measuring tapes.
Sewing kits.
Sewing boxes.
Tie racks.
Beads.
Etc.

(iii) Luggage, including:

Briefcases.
Club bags.
Dress trunks.
Finished cases made of wood, leather, fabricated canvas, etc., for carrying scientific, medical and other instruments.
Fitted cases.
Overnighters.
Gladstones.
Hand trunks.
Hat and shoe boxes (except paper).
Sample cases.
Sample trunks.
Steamer trunks.
Suitcases.
Two suiters.
Wardrobe trunks.
Zipper bags.
Train boxes.
Etc.

(iv) Glassware, including:

Artware and specialties.
Cutware.
Desk glassware.
Engraved ware.
Etch ware.
Glass novelties.
Glass rods.
Glass tubing.
Hotel glassware.
Bar glassware.
Restaurant glassware.
Soda fountain glassware.
Household glassware.
Lenses and signal glass (except those covered by Maximum Price Regulation No. 136, as amended).
Illuminating glassware.
Lamp chimneys.
Lantern globes.
Technical and laboratory glassware.
Heat resisting and cooking glass.
Industrial glass:
Technical.
Scientific.
Laboratory.
Glass bottles and containers.
Etc.

(v) Mirrors.

(vi) Pottery (except those articles covered by Maximum Price Regulation No. 110) including:

Art pottery.
Stoneware.
Etc.

(vii) Decorative accessories.

(viii) Silverware, including:

Silverplated flatware.
Silverplated hollow-ware.
Sterling silver flatware.
Sterling silver hollow-ware.
Etc.

(ix) Miscellaneous plated ware (chrome plate, nickel plate, etc.).

(x) Jewelry:

Precious (gold, platinum, silver, etc.).
Nonprecious (gold plate, gold filled, etc.), (except jewelry exempted from the General Maximum Price Regulation by the provisions of Amendment No. 9 thereto).
Novelty.
Men's accessories, including:
Collar pins and buttons.
Cuff links.
Key chains.
Belt buckles.
Medals and badges.
Metal watch bands.
Etc.

Women's novelty jewelry, including:

Compacts and vanity cases.
Lockets.
Earrings.
Etc.

(xi) Clocks and watches, including:

Clock cases, containers, guards.
Watch cases, containers, guards.
Electric clocks (except those covered by Maximum Price Regulation No. 136, as amended).
Spring clocks, including:
Alarm.
Decorative.
Etc.

(xii) Portable lamps and shades (other than industrial) including:

Boudoir lamps.
Desk lamps.
Floor lamps.
Table lamps.
Lamp shades.
Novelty lamps.
Torchiers.
Wall lamps.
Oil lamps.
Etc.

(xiii) Electric light bulbs (other than radio tubes) including:

Arc.
Carbon.
Fluorescent.
Gasolux.
Incandescent.
Therapeutic.
Etc.

(xiv) Pictures and picture frames and mirror frames, including:

Pictures, framed.
Frames—photograph, picture, and mirror.

(xv) Optical goods, including:

Optical glass.
Eye glass and spectacle cases.
Eye glass and spectacle frames and mountings.
Lenses for eye glasses and spectacles, white and colored.
Scientific optical instruments:
Microscopes and accessories.
Optical measuring instruments.
Other instruments.
Scientific refracting instruments for oculists and optometrists.
Ophthalmic chairs, stools, tables, etc.
Ophthalmic units.
Refracting units.
Sun glasses and goggles.
Artificial eyes.
Binoculars.
Field glasses.
Opera glasses.
Telescopes.
Shooting glasses.
Contact lenses.
Prisms.
Magnifying glasses.
Loupes.
Readers.
Optical Rx Laboratory machinery and equipment.
Etc.

(xvi) Meteorological instruments (for household, office and advertising use only).

Barometers.
Hygrometers.
Thermometers.

(xvii) Compares (except marine and aircraft).

(xviii) Smokers' articles (except tobacco, cigars, and cigarettes), including:

Cigarette cases.
Cigarette and cigar holders, pipes, pouches, etc.
Pipe cleaners.
Cigarette lighters.
Etc.

- (xix) Umbrellas and canes.
- (xx) Hair goods, including:

Wigs.
Toupees.
Braids.
Etc.

- (11) Radio and phonograph equipment.
Phonographs (except domestic electrical phonographs).
Phonograph accessories, but not records.
Domestic radio accessories, but not radio parts.

- (12) Musical instruments, parts, and accessories, including toy and novelty musical instruments.

- (13) Photograph, photoengraving, and photocopying equipment and allied supplies.

Cameras and photographic films, equipment, accessories, and materials, except chemicals.

Motion picture cameras, projectors, and apparatus.

Photoengraving machines, apparatus, and supplies.

Photocopying (including photostating and micro-filming) machines, apparatus and supplies.

- (14) Sporting goods except clothing and shoes.

- (15) Toys and games.

- (16) Wheel goods:

Baby carriages.

Bicycles (except bicycles for which maximum prices are established by agreement with the Office of Price Administration).

Bicycle accessories and parts, except tires and tubes.

Go-carts.

Motor bicycles and motor scooters.

Wheel chairs.

- (17) Health supplies, equipment, and sub-assemblies thereof (not including drugs, chemicals and medicines except when packed in and sold as a part of first-aid kits).

- (i) Surgical instruments, equipment and supplies.

- (ii) Dental instruments, equipment and supplies.

- (iii) Veterinarian instruments, equipment and supplies.

- (iv) Hospital, examining room, and diagnostic equipment and supplies.

- (v) Electro-medical equipment and supplies (including x-ray and electric-therapeutic).

- (vi) Anesthesia, oxygen and respiratory equipment and supplies.

- (vii) Hypodermic equipment.

- (viii) Corrective equipment, including knitted elastic corrective garments, trusses, etc.

- (ix) Fracture equipment and supplies.

- (x) Orthopedic appliances except shoes.

- (xi) Prosthetic devices, appliances, and supplies.

- (xii) Other health supplies:

- (a) Sutures and suture needles.

- (b) Clinical thermometers.

- (c) Surgical dressings and surgical dressing materials.

- (d) First aid kits.

- (e) Exercise machines and devices. Etc.

- (xiii) Parts and sub-assemblies designed especially for the foregoing items in this subparagraph 17 except those covered by Maximum Price Regulations Nos. 136, 147, and 198.

- (18) X-ray equipment and supplies (industrial and commercial), and parts and sub-assemblies designed especially therefor except those covered by Maximum Price Regulations Nos. 136 and 147.

- (19) Industrial safety equipment (except clothing, shoes, and scientific instruments covered by Maximum Price Regulation No. 136, as amended) including:

Gas masks.

Helmets, safety hats, etc.

Protective shields, sleeves, toe guards, etc.

Safety lamps.

Respirators.

Goggles, faceshields, goggle cases, etc.

- (20) Rope and cordage, etc.

Rope and cordage including grommets made from rope (except those manufactured from cotton and synthetic fibers).

Rope halters.

Wrapping twines (except cotton).

- (21) Unclassified:

Ammunition for small arms.

Amusement machines, coin operated.

Automobile seat coverings, fiber.

Bells, hand.

Butcher saws.

Dry cell batteries.

Fire extinguishers.

Portable battery lights including flashlights, hand lanterns, etc.

Hearing aids (electric), hearing aid batteries, and accessories.

Jewelers' tools.

Manually operated tire pumps.

Pocket knives.

Spittoons and cuspidors.

Razors.

Razor blades.

Water coolers.

Christmas tree ornaments.

Christmas trees, artificial.

Issued this 12th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-617; Filed, January 12, 1943;
4:41 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183, Amendment 16]

PUERTO RICO

Correction

In Table XIII in paragraph (m) appearing on page 325 of the issue for Friday, January 8, 1943, the third and fourth items should read "Pure refined lard in cases 56 lb." and "Pure refined lard in 34 lb. to 37 lb. tins." In the second section of Table XVI in paragraph (q) the italic heading in both cases should read "Price per 200-lb. bag."

PART 1499—COMMODITIES AND SERVICES

[Order 209 Under § 1499.3 (b) of GMPR]

MONSANTO CHEMICAL COMPANY

Correction

Paragraph (a) of § 1499.1445 appearing on page 375 of the issue for Saturday, January 9, 1943, should read "The maximum price for sales by the Merrimac Division of the Monsanto Chemical Company at Everett, Massachusetts of 30% aqueous solution of sodium polysulfide is established as set forth below: * * *"

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 275, Amendment 1]

EXTRACTED HONEY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

herewith and has been filed with the Division of the Federal Register.*

Inferior subdivision (b) of § 1351.1310 (c) (1) (ii) is corrected and inferior subdivision (a) of § 1351.1319 (c) (1) (ii) is amended; § 1351.1318a is added; all to read as set forth below:

§ 1351.1319 Appendix A: Maximum prices for "bull honey" and "packaged honey". * * *

(c) * * *

(1) * * *

(ii) * * *

(a) *Cost increase for honey.* The cost increase per pound for honey shall be the difference between 11.8¢ and the seller's "weighted average cost" per pound for honey purchased during the "base period."

The "weighted average cost" means the total dollars f. o. b. beekeeper's shipping point paid for honey purchased during the "base period" divided by the number of pounds of honey purchased during the "base period". In computing the "weighted average cost" that quantity of honey which was produced by the seller during the "base period" shall be deemed to have been purchased by him at a price of 5.6¢ per pound and that quantity of honey which was not purchased directly from the producer during the "base period" and for which reason an f. o. b. beekeeper's price cannot be calculated, shall be deemed to have been purchased at 5.6¢ per pound. Persons who made no purchases of honey during the "base period" shall adopt 5.6¢ as their "weighted average cost".

(b) *Cost increase for transportation.* The cost increase per pound for transportation shall be the difference, if any, between the figure obtained by dividing the total freight dollars paid for honey purchased during the "base period" by the total pounds of honey produced and purchased during the "base period", and the figure obtained by dividing the total freight dollars paid for honey purchased during the months of June, July and August, 1942 by the total pounds of honey produced and purchased during the months of June, July and August, 1942.

§ 1351.1318a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.1318a, and 1351.1319 (c) (1) (ii)) to Maximum Price Regulation No. 275 shall become effective January 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-623; Filed, January 13, 1943;
11:11 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 275, Amendment 2]

EXTRACTED HONEY

A statement of the considerations involved in the issuance of this amend-

*Copies may be obtained from the Office of Price Administration.

17 F.R. 9955, *supra*.

ment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1351.1313 is amended to read as set forth below:

§ 1351.1313 *Records and reports.* (a) Every person who sells "packaged honey" or resells "bulk honey" covered by this regulation shall preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all his existing records which were the basis for computations required by § 1351.1319, Appendix A.

(b) Every person who resells "bulk honey" shall within 10 days after determining his maximum price for each kind, flavor, brand, and container, type and size, execute and file with the Office of Price Administration, two copies of forms No. 1-A, 1-B, and 1-C, which forms are obtainable at any district, State, field, or regional office of the Office of Price Administration.

(c) Persons who sell "packaged honey" shall within 10 days after determining their maximum price for each kind, flavor, brand, and container, type and size, execute and file with the Office of Price Administration, two copies of forms No. 1-A, 1-B, and 1-C: *Provided*, That persons whose 1941 sales of "packaged honey" did not exceed 1000 pounds or whose future annual sales are not reasonably calculated to exceed 1000 pounds need not execute nor file such forms.

§ 1351.1318a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1351.1313 (a), (b) and (c)) to Maximum Price Regulation No. 275 shall become effective January 19, 1943.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-624; Filed, January 13, 1943;
11:12 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS [MPR 292, Amendment 1]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1351.1402 (a) (6) is added, §§ 1351.1403 (d), 1351.1404, 1351.1405 (a), (c), and (e) (4) and Item No. 1 of § 1351.1416 (b) are amended and § 1351.1415a is added, as set forth below.

§ 1351.1402 *Sellers subject to the provisions of this Maximum Price Regulation No. 292.* (a) * * *

(6) Commission merchants.

*Copies may be obtained from the Office of Price Administration.

18 F.R. 135.

No. 9—5

§ 1351.1403 *Definition of citrus fruits and general instructions.* * * *

(d) *Freight.* Freight to be used in calculating any base price or maximum price pursuant to this regulation shall include actual charges for icing or refrigeration and shall mean freight by common carrier or contract carrier. In the event that the citrus fruit is transported by other means, freight shall be computed at the lowest available common carrier or contract carrier rate. Freight shall not include unloading or local trucking, but shall include charges for unloading cars for sale only at the terminal market.

§ 1351.1404 *Definition and maximum prices of packers, commission merchants, brokers, auction markets and terminal sellers.* (a) For the purposes of this regulation:

(1) A "packer" is a person who grades, sizes, packs, whether or not washed or waxed, or prepares citrus fruits for shipment to market. A person who has citrus fruit packed for him for sale shall be deemed to be a packer and the point of shipment shall be deemed his packing house.

(2) A "broker" is a person who acts as the packer's agent in the sale of citrus fruits and who does not warehouse, storage, or customarily distribute the citrus fruits.

(3) An "auction market" is a market to which citrus fruits are delivered and sold at auction for the account of the packer and which market charges a fee for such services.

(4) A "terminal seller" is a person who buys citrus fruits from a packer and customarily sells ex track, ex truck, or ex shipping shed, at the terminal market, who does not customarily warehouse and does not customarily deliver the citrus fruits beyond the terminal market area.

(5) A "commission merchant" is a person who receives citrus fruits on consignment from a packer and who sells in the same or similar manner as other wholesalers, for the account of the packer.

(b) The maximum price for direct sales of citrus fruits sold by a packer, f. o. b. packing house, shall be as set forth in this section and in § 1351.1416, Appendix A, of this regulation.

(c) The maximum price for direct sales of citrus fruits by a packer, on a delivered basis, shall be the packer's maximum price, f. o. b. packing house, plus freight to the point of delivery.

(d) The maximum price for sales of citrus fruits through a broker shall be the packer's maximum price for direct sales multiplied by 1.015. If the sale is made f. o. b. packing house, the packer's maximum price for direct sales, f. o. b. packing house, shall be used in such computation. If the sale is made on a delivered basis, the packer's maximum price for direct sales at the point of delivery shall be used in such computation.

(e) The maximum price for sales of citrus fruits at an auction market shall be the packer's maximum price for direct sales, delivered at the market, plus the usual auction charge or fee, com-

puted on the basis of such delivered maximum price.

(f) The maximum price for sales of citrus fruits through a commission merchant shall be the packer's maximum price for direct sales, delivered at the commission merchant's customary receiving point, plus the usual charges, commissions or fees of the commission merchant, computed on the basis of such delivered maximum price.

(g) The maximum price for sales of citrus fruits by a terminal seller shall be the packer's maximum price for direct sales, delivered at the terminal market, multiplied by 1.015.

(h) Every sale of citrus fruits by a packer, commission merchant, broker, auction market or terminal seller, to an intermediate seller, shall be accompanied by a notification in writing to the intermediate seller, showing the maximum price permitted for such sale, which price shall be called the "base price" in such notice. The "base price" so reported shall be the maximum price determined under the foregoing paragraphs of this section, whether or not such maximum price was paid, except that in the event of a direct sale by a packer, or a sale by a packer through a broker, on an f. o. b. packing house basis, the "base price" so reported shall be the maximum price for such sale on a delivered basis at the purchaser's customary receiving point.

(i) Each packer, commission merchant, broker, auction market and terminal seller shall make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, such records as he or it customarily kept relating to the prices charged for each item of citrus fruits after the effective date of this regulation.

§ 1351.1405 *Definition and maximum prices of intermediate sellers.* (a) For the purposes of this regulation, the term "intermediate sellers" means any wholesale sellers, jobbers or any other persons who take title and purchase for the purpose of reselling and who customarily make sales to other wholesalers, retailers, or industrial, institutional or commercial users, except that the term "intermediate sellers" shall not include packers, commission merchants, brokers, auction markets, terminal sellers or retailers as defined in this regulation.

(c) The "base price" of any intermediate seller who purchases from a packer or broker, shall be the "base price" furnished to him by his supplier. The "base price" of any intermediate seller who purchases from an auction market, commission merchant, or terminal seller shall be the "base price" of his supplier, except that if his supplier is not within local hauling distance of his customary receiving point, the intermediate seller shall compute a new "base price" by adding to that "base price" the freight to his customary receiving point. If he resells to another intermediate seller, he shall give such purchaser notice in writing of his "base price," which shall be the "base price" reported to him by his

supplier or his newly computed "base price," as the case may be.

(e) * * *

(4) He shall then compute his maximum prices as follows:

(i) An intermediate seller in Class 1 or Class 2 who buys from a packer, broker, auction market or terminal seller, shall multiply his base price by 1.095.

(ii) An intermediate seller in Class 1 or Class 2, who buys from another intermediate seller or from a commission

merchant, shall multiply his base price by 1.20.

(iii) An intermediate seller in Class 3 who buys from a packer, broker, auction market or terminal seller, shall multiply his base price by 1.21.

(iv) An intermediate seller in Class 3, who buys from another intermediate seller or from a commission merchant, shall multiply his base price by 1.32.

* * *
§ 1351.1416 *Appendix A: Maximum prices of packers, f. o. b. packing house.*

(b) Grapefruit.

MAXIMUM PRICES IN DOLLARS PER UNIT

Item No.	State or area	Variety	Seasons, all dates inclusive	Standard wooden box				* * *
				Packed wrapped	Packed 2 layers wrapped	Packed unwrapped	Loose	
1	California	All	May 1 to Oct. 31 Nov. 1 to Apr. 30	2.82 2.28		2.77 2.23	1.89 1.35	* * *

* * *
§ 1315.1415a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1351.1402 (a) (6), 1351.1403 (d), 1351.1404, 1351.1405 (a), (c), and (e) (4), 1351.1416 (b), Item No. 1, and § 1351.1415a) to Maximum Price Regulation No. 292 shall become effective on January 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

Approved:

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-622; Filed, January 13, 1943; 11:13 a. m.]

PART 1361—FARM EQUIPMENT

[MPR 246,¹ Amendment 3]

MANUFACTURERS' AND WHOLESALE PRICES FOR FARM EQUIPMENT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Paragraph (c) of § 1361.53 is amended as set forth below:

* § 1361.53 *Maximum prices: items modified since March 31, 1942, sold by the manufacturer.* * * *

(c) *Approval of prices.* If the Office of Price Administration approves the proposed maximum prices or fails to disapprove them within thirty days after receiving such report, the proposed maximum prices shall become the maximum prices applicable to all subsequent sales and deliveries: *Provided*, That if the Office of Price Administration later determines that such prices were not calculated in accordance with this section such prices may at that time be

disapproved, but such disapproval shall not be retroactive as to any deliveries made before the date of such disapproval. If the proposed maximum prices are at any time disapproved by the Office of Price Administration, the manufacturer shall file revised prices properly computed in accordance with the appropriate pricing formula provided in paragraph (a), and the provisions of this section shall apply in all respects to such revised prices. In the event that the office of Price Administration finds that the manufacturer's production experience does not yet warrant the establishment of a permanent maximum price, the Office of Price Administration may give temporary approval to a proposed maximum price and require a further filing under this section at a later date. Any disapproval of prices will be embodied in an order upon request made within thirty days of such disapproval.

* * *
§ 1361.69 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1361.53 (c) to Maximum Price Regulation No. 246 shall become effective January 19, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-625; Filed, January 13, 1943; 11:12 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Revised MPR 148,¹ Amendment 1]

DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Redesignated: § 1364.27 (a) as § 1364.27 (a) (1); Schedule III (c) (2) (iv) of

§ 1364.35 as Schedule III (c) (2) (v) of § 1364.35; Schedule II (d) of § 1364.35 as Schedule II (d) (1) of § 1364.35.

Amended: Paragraphs (e) and (f), the title and text of paragraph (g), the title of paragraph (h), and paragraph (h) (2) of § 1364.22; redesignated § 1364.27 (a) (1); subparagraphs (3) and (6) of § 1364.32 (a); the title of § 1364.35; the title of Schedule I, the explanatory data preceding the tables in Schedule I, Items 3, 4 and 5 of Schedule I (b), Items 2, 3 and 4 of Schedule I (c), Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 22, 23 and 24 of Schedule I (d), Item 11 of Schedule I (e), and the title and Items 6 and 10 of Schedule I (f) of § 1364.35; the title of Schedule II, and paragraphs (a) (2), (b), redesignated (d) (1) and (f) of Schedule II of § 1364.35; and the title of Schedule III and paragraphs (b), (c) and (e) of Schedule III of § 1364.35.

Added: § 1364.22 (h) (3) paragraphs (a) (2), (b) (4) and (c) of § 1364.27; § 1364.32 (a) (11), (12) and (13); § 1364.34a; Item 11a of Schedule I (d), Items 17, 18 and 19 of Schedule I (g), subparagraph (2) (iv) of Schedule II (d), subparagraph (2) (iv) of Schedule III (c), Schedule III (f) and Schedule IV of § 1364.35.

§ 1364.22 *Maximum prices for dressed hogs and wholesale pork cuts.* * * *

(e) *When products are delivered to the buyer.* Dressed hogs and wholesale pork cuts shall be deemed to be delivered to the buyer at the point where physical possession is taken by the buyer or his agent, or where the dressed hogs or wholesale pork cuts, consigned to the buyer,

(1) Are received by a common carrier or contract carrier, other than a railroad, and the charges of such carrier are paid directly to such carrier by the buyer;

(2) Are received by a railroad, for shipment at the railroad carload rate or for shipment to an agency of the United States government and the charges of such railroad are paid directly to such railroad by the buyer.

(f) *Maximum prices of wholesale pork cuts not listed in Appendix A.* Except as provided in paragraph (h) of this section, if the maximum price for any wholesale pork cut delivered to the buyer cannot be determined under the provisions of the foregoing paragraphs of this section, such maximum price shall be that of the nearest similar wholesale pork cut derived from the same primal cut or combination of primal cuts, making adjustment for the differences in the cost of producing such cuts. Each seller shall file with the Office of Price Administration, within 10 days of computation, each maximum price computed under the provisions of this paragraph (f) together with a sworn statement of the method of such computation and the comparative costs included therein, including costs of labor, materials and overhead, and shrinkage or gain in weight. Any maximum price so computed shall be subject to revision by the Price Administrator. No person shall sell any wholesale pork cut not listed in Schedule I of Appendix A (§ 1364.35), except fabricated pork cuts and canned meats made entirely from pork, without first filing with the Office of Price Administration

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8587, 8948, 9039; 8 F.R. 236.

¹ 7 F.R. 8609, 9005, 8948.

at Washington, D. C., a maximum price for such cut as required by the provisions of this paragraph (f).

(g) *Maximum prices of dressed hogs, invoices.* (1) The maximum price for each dressed hog, dressed packer style or shipper style, delivered to the buyer shall be that ascertained in accordance with the pricing instructions contained in Schedule IV of Appendix A (§ 1364.35); and no person shall sell hogs dressed otherwise than packer style or shipper style.

(2) Every person who sells dressed hogs shall invoice such dressed hogs to the buyer by weight ranges set forth in the table in Schedule IV (a) of Appendix A (§ 1364.35), and dressed hogs falling in each such weight range shall be invoiced separately.

(h) *Maximum prices of products sold for export, canned products, and fabricated cuts sold by hotel supply houses.*

(2) (i) The maximum price for each brand, type and container size of canned meat made entirely from pork shall be the highest price at which such brand or type and container size of canned meat was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942 to February 20, 1942, inclusive, plus 1½ cents per lb.: *Provided*, That the seller must continue to allow all the deductions or discounts from his price list or lists which were customary during the 90-day period prior to March 9, 1942.

(ii) If the maximum price for any brand, type or container size of canned meat made entirely from pork cannot be determined under paragraph (h) (2) (i) of this section, the seller shall apply to the Office of Price Administration, Washington, D. C., for authorization to establish a maximum price, setting forth in such sworn application a detailed description of the canned meat and container size for which a price is sought, including, where appropriate: a description of the wholesale cuts used in processing such canned product and the nature and degree of processing; the maximum price, if any, established for the sale by the seller of other brands or types and container sizes of canned meat made entirely from pork, and the manner in which such other canned products differ from that for which the price application is being made; a statement of the reasons why the new manner of canning or processing is being undertaken; a statement of the price requested, and the method by which the requested price was arrived at; and a statement by the seller as to whether the granting of his application will require any price adjustment on behalf of the wholesalers or retailers to whom he proposes to sell his products. Authorization to establish a maximum price for such canned meat made entirely from pork shall be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration, Washington, D. C. The price so reported shall be subject to

adjustment at any time by the Office of Price Administration.

(iii) The provisions of this paragraph (h) (2) shall not apply to any sales of canned meats to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(3) The maximum price for each fabricated pork cut sold by a hotel supply house to a purveyor of meals shall be determined as follows:

(i) The hotel supply house shall fix a price for each such fabricated pork cut on the basis of the relationship which prevailed during the month of October, 1942, between the price of such fabricated pork cut and the prices of other fabricated pork cuts derived from the same wholesale pork cut.

(ii) In the event that the total gross proceeds obtainable through sales at the prices so fixed of all fabricated pork cuts derived from such wholesale pork cut and sales at the maximum prices of all bones, fat, waste, trimmings and/or processed products obtained in making such fabricated pork cuts exceed by more than 15 percent the maximum price for such wholesale pork cut, the hotel supply house shall adjust downward the prices of such fabricated cuts to remove the excess. In making such adjustments, the hotel supply house shall not change the relationship of the prices of the fabricated cuts as established pursuant to paragraph (h) (3) (i). The price so fixed and adjusted shall be the maximum price of such hotel supply house for such fabricated pork cut.

(iii) "Fabricated pork cut" means any part or portion of a wholesale pork cut (i. e., pork chops, center ham slices, etc.) made for a purveyor of meals, which part or portion is obtained by boning or sawing through the bones of the wholesale pork cut so as to prepare the fabricated pork cut for cooking without further cutting or trimming and to produce a cut substantially different from any wholesale pork cut for which a price is listed in Appendix A (§ 1364.35). Wholesale pork cuts from which at least 25 percent of the bone has been removed in preparing them as roasts shall also be considered fabricated pork cuts.

§ 1364.27 Records and reports. (a)

(1) Every person making a sale of any dressed hogs or wholesale pork cuts on and after November 2, 1942, in the course of trade or business or otherwise dealing therein, shall make, and preserve for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the description, quantity and weight of all dressed hogs and wholesale pork cuts sold, and the price charged or received therefor.

(2) Every person making sales to purveyors of meals pursuant to the provisions of § 1364.22 (h) (3) shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended,

is in effect, a complete and accurate record in schedule form for each calendar month commencing with February 1943, showing separately

(i) The total inventory in pounds at the beginning of each month of all dressed hogs and each wholesale pork cut and fabricated pork cut, pork offal and pork by-product (bones, fat, waste, etc.); the total additions to inventory in pounds during the month of each such item; and the total inventory in pounds at the end of each month for each such item;

(ii) The total sales in pounds during the month of dressed hogs, each wholesale pork cut, fabricated pork cut, pork offal and pork by-product; bones, fat, waste, etc.; showing separately the sales in pounds of dressed hogs, each wholesale pork cut, and each fabricated pork cut to purveyors of meals and the sales in pounds made to other buyers;

(iii) The total sales realization for each dressed hog, and each type of wholesale pork cut and fabricated pork cut and the average ceiling price therefor.

(b) Persons subject to or affected by this Revised Maximum Price Regulation No. 148 shall submit to the Office of Price Administration at Washington, D. C.:

(4) On or before January 30, 1943, sworn statements of the maximum prices of all fabricated pork cuts sold by them to purveyors of meals, which maximum prices shall be determined as provided in § 1364.22 (h) (3).

(c) Every person making a sale of any wholesale pork cut or fabricated pork cut shall furnish to the purchaser at the time of delivery of such pork cut a written statement setting forth the name and address of the buyer and seller; identifying by weight and description each such pork cut sold; and setting forth the quantity and the price charged and received therefor.

§ 1364.32 Definitions. (a)

(3) "Wholesale pork cuts" means all cuts derived from the carcass of the hog or pig, dressed with head off and kidney and leaf fat out, including but not limited to the following:

(i) All cuts referred to in Appendix A (§ 1364.35);

(ii) Cuts rough or trimmed, bone in or boneless, whole or sliced;

(iii) Cuts fresh or frozen, cured, smoked, cooked, baked, barbecued, dried, canned, or ready-to-eat;

(iv) Cuts loose, wrapped or packed.

Fresh and frozen cuts shall not be considered separate wholesale pork cuts. Each brand, type and container size of canned meat made entirely from pork shall be considered a separate wholesale pork cut. No uncanned sausage made entirely from pork except sausage sold to the armed forces of the United States or the Federal Surplus Commodities Corporation, shall be considered a wholesale pork cut.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, branch house, car route, hotel supply house, purchaser for resale, commercial

user, purveyor of meals, war procurement agency, or other government agency shall be deemed to be an ultimate consumer, except that a sale to a purveyor of meals, on usual retail terms, by a retailer at least 80% of whose sales of meat during the preceding calendar month were made to ultimate consumers shall be deemed a sale at retail. * * *

(11) "Shipping container" means a sealed box which becomes the property of the buyer upon delivery of the wholesale pork cuts therein contained, or a returnable container of solid wood or metal which must be of a type and size which the seller has customarily used in making delivery of wholesale pork cuts and must be carried into the buyer's place of business in making delivery of products packed therein.

(12) "Hotel supply house" means a seller of pork who, as an established practice, handles wholesale pork cuts for the purpose of boning, trimming and cutting or otherwise fabricating such wholesale pork cuts for sale to hotels, restaurants or other purveyors of meals.

(13) "Wholesaler" means a person other than a hotel supply house who buys dressed hogs and/or wholesale pork cuts for resale other than at retail and who does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who is not owned or controlled in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities.

§ 1364.34a *Effective date.* (a) Amendment No. 1 (Redesignated: § 1364.27 (a) as § 1364.27 (a) (1); Schedule III (c) (2) (iv) of § 1364.35 as Schedule III (c)

(2) (v) of § 1364.35; Schedule II (d) of § 1364.35 as Schedule II (d) (1) of § 1364.35; Amended; paragraphs (e) and (f), the title and text of paragraph (g), the title of paragraph (h), and paragraph (h) (2) of § 1364.22; redesignated § 1364.27 (a) (1); subparagraphs (3) and (6) of § 1364.32 (a); the title of § 1364.35; the title of Schedule I, the explanatory data preceding the tables in Schedule I, Items 3, 4, and 5 of Schedule I (b), Items 2, 3 and 4 of Schedule I (c), Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 22, 23, and 24 of Schedule I (d), Item 11 of Schedule I (e), and the title and Items 5 and 10 of Schedule I (f) of § 1364.35; the title of Schedule II, paragraphs (a) (2), (b), redesignated (d) (1); and (f) of Schedule II of § 1364.35; and the title of Schedule III and paragraphs (b), (c); and (e) of Schedule III of § 1364.35; Added: § 1364.22 (h) (3); paragraphs (a) (2), (b) (4) and (c) of § 1364.27; § 1364.32 (a) (11), (12) and (13); § 1364.34a Item 11a of Schedule I (d), Items 17, 18 and 19 of Schedule I (g), subparagraph (2) of Schedule II (d), subparagraph (2) (iv) of Schedule III (c), Schedule III (f) and Schedule IV of § 1364.35) to Revised Maximum Price Regulation No. 148 shall become effective January 19, 1943.

§ 1364.35 *Appendix A: Schedules I, II, III and IV.*

SCHEDULE I—PRICES OF WHOLESALE PORK CUTS

(All prices are per hundred weight loose basis, and do not include boxing, transportation or delivery costs, except where indicated otherwise. Weights are by range and not by average.)

(B) FORK CUTS: GREEN OR FROZEN, CURED, SMOKED AND BARBECUED

Item	Weight	Green or frozen (dollars)	Cured (dollars)	Smoked (dollars)	Barbecued (dollars)
3. Bellies—dry salt (clear or rib).....		10.00	16.00	18.75	
4. Plates and jowls:					
Clear plates.....		11.00	11.00	14.00	
Regular plates.....		12.25	12.25	15.25	
Jowl butts.....		11.00	11.00	14.00	
Square jowl butts.....		12.75	13.75	wrapped 17.25	
5. Spare ribs:					
Light.....	Under 3 lbs.....	18.25	18.25	19.25	24.75
Medium.....	3-5 lbs.....	15.75	15.75	16.75	22.25
Heavy.....	Over 5 lbs.....	14.25	14.25	15.25	20.75
Barbecue, brisket bone off.....	Under 2½ lbs.....	20.75	20.75	21.75	27.25
Loin ribs.....		19.00	19.00	20.00	25.50
Spare rib brisket bones.....		7.50	7.50	8.50	12.00

1 Packed in tierces.

(C) PORK CUTS: COOKED, BAKED, SMOKED, BARBECUED AND DRIED (WRAPPED)

	Cooked		Cooked and smoked		Baked and barbecued	
	Weight	Price	Weight	Price	Weight	Price
	Pounds	Dollars	Pounds	Dollars	Pounds	Dollars
2. Hams—skinless—boneless and fatted.	Under 8.....	49.75	Under 8.....	51.50	Under 8.....	55.00
	8-10.....	48.00	8-10.....	49.75	8-10.....	53.00
	Over 10.....	45.50	Over 10.....	47.25	Over 10.....	50.25
3. Picnics—boneless and fatted.	All weights.....	42.00	All weights.....	43.25	All weights.....	47.25
4. Shoulders—skinned—boneless and fatted.	All weights.....	42.75	All weights.....		All weights.....	46.75

(D) PORK SAUSAGE MATERIAL AND MISCELLANEOUS PORK CUTS

	Fresh or frozen	Cured	Smoked
SAUSAGE MATERIAL			
1. Regular trimmings.....	21.25	21.25	21.25
2. Neck bone trimmings.....	31.69	31.69	31.69
3. Special lean trimmings.....	32.25	32.25	32.25
4. Extra lean trimmings.....	34.25	34.25	34.25
5. Blade meat.....	34.25	34.25	34.25
6. Skinned neck fat.....	11.75		
7. Skin-on neck fat.....	11.69		
8. Skinned back fat.....	11.75		
9. Skinned ham fat.....	11.75		
10. Skinned shoulder fat.....	11.75		
11. S. P. ham fat.....		11.25	
11a. Trimmings with not more than 20% trimmable fat.....	31.69	31.69	
MISCELLANEOUS			
12. Hocks.....	15.75	15.75	15.75
13. Knuckles.....	12.25	12.25	12.25
15. Tails.....	11.25	11.25	11.25
18. Bacon skins.....	4.59	4.59	6.25
22. Semi-boneless loins, under 10 pounds.....	33.59		
23. Semi-boneless loins, 10-12 pounds.....	32.69		
24. Semi-boneless loins, 12-15 pounds.....	31.69		

* Packed in herces.

(E) PORK CUTS PACKED IN WOOD CONTAINERS

11. Vinegar pickled pork feet, cooked bone in:	
Tierces (300 pounds).....each.....	\$29.50
Barrels (200 pounds).....do.....	20.50
1/2 barrels (75 pounds).....do.....	8.25
1/4 barrels (35 pounds).....do.....	4.00
1/8 barrels (17 pounds).....do.....	2.25
Kits (13 pounds).....do.....	1.75

(F) CANNED PORK ITEMS

(Prepared for war procurement agencies according to United States Government specifications)

5. Pork sausage soyalinks:	
1 1/2 or 2 lb. cans, per cwt.....	\$27.50***
10. Pork soya segments:	
1 1/2 or 2 lb. cans, per cwt.....	26.00

(G) PRODUCTS FOR WAR PROCUREMENT AGENCIES

(Prepared according to United States Government specifications)

17. Mess pork in barrels:	
(200 lbs. net green weight).....per bbl.....	\$47.50
18. Pork sausages:	
Bulk.....	29.00
In paper casings.....	30.00
In hog casings.....	32.00
In sheep casings.....	34.00

19. Fresh pork sides, packer dressed:	
140 to 154 lbs.....	19.20
155 to 169 lbs.....	19.15
170 to 192 lbs.....	19.05
193 to 213 lbs.....	19.00
214 to 239 lbs.....	18.95
Over 239 lbs.....	18.90

SCHEDULE II—REQUIRED DEDUCTIONS FROM PRICES LISTED IN SCHEDULE I

(a) * * *

(2) For all wholesale pork cuts otherwise substandard because of trim, cutting, thick or wrinkled skin, bruises, abscesses, blood clots, accidental damage, or abnormal color, texture, odor, or consistency or character of the lean flesh and of the fat included therein, \$1.00 per cwt.

(b) For the following wholesale pork cuts derived from oily hog carcasses, except when sold to an agency of the United States Government pursuant to United States Government specifications and except wholesale pork

cuts listed in Schedule I (c) (9) of this Appendix A:

Description of cut:	Required deduction per cwt.
Hams.....	61.00
Shoulders and shoulder cuts.....	3.00
Pork loins.....	3.00
Bellies.....	3.00
Slab bacon.....	3.00
Fat backs.....	1.00

(d) (1) For all wholesale pork cuts delivered in a straight or mixed shipment of 5,000 lbs. or more, but less than a carload, \$0.50 per cwt.

(2) For all wholesale pork cuts delivered in a shipment of more than 500 lbs. of wholesale pork cuts but less than 5,000 lbs., \$0.25 per cwt.

(f) For sliced bacon not packed in (1) 1/2 lb., 1 lb., or 1 1/2 lb. cartons or sealed cellophane or parchment packages, \$0.75 per cwt.

(2) Cases of 12 lbs. or less, \$0.25 per cwt.

SCHEDULE IV—DRESSED HOGS

(a) Table of weight ranges and seasonal denominators

Weights of dressed hogs (by range)		Related live hog weight classifications	Denominators by seasons			
Packer style (pounds)	Shipper style (pounds)	Live weight (pounds)	December, January, February, March, April, and May		June, July, August, September, October, and November	
			Packer style	Shipper style	Packer style	Shipper style
BUTCHER HOGS						
1. 73-89.....	81-97.....	109-147.....	1.53	1.45	1.54	1.45
2. 90-107.....	109-117.....	148-169.....	1.49	1.33	1.47	1.37
3. 108-123.....	129-137.....	170-191.....	1.43	1.25	1.41	1.35
4. 124-138.....	138-153.....	192-229.....	1.41	1.23	1.42	1.34
5. 139-154.....	154-171.....	230-269.....	1.41	1.22	1.41	1.33
6. 155-169.....	172-183.....	270-291.....	1.39	1.21	1.40	1.32
7. 170-192.....	184-213.....	292-329.....	1.35	1.17	1.37	1.31
8. 193-213.....	214-239.....	330-369.....	1.34	1.20	1.39	1.31
9. 214-239.....	240-279.....	370-409.....	1.33	1.19	1.38	1.30
10. Over 239.....	Over 279.....	Over 409.....	1.37	1.23	1.35	1.30
SLAUGHTER HOGS						
11. Under 73.....	Under 73.....	Under 129.....	1.61	1.53	1.62	1.54
SOWS						
12. 184-220.....	202-312.....	270-439.....	1.45	1.35	1.45	1.35
13. 220 and over.....	312 and over.....	439 and over.....	1.40	1.32	1.41	1.33

SCHEDULE III—PERMITTED ADDITIONS TO PRICES LISTED IN SCHEDULE I

(b) For loins, shoulders, picnic, Boston butt, boneless butt, spareribs, feet, tails and neck bones derived from hogs killed in each of the following regions and delivered fresh or frozen to the Federal Surplus Commodities Corporation, the armed forces of the United States, the United States Maritime Commission, the War Shipping Administration, or delivered fresh, for resale fresh, by local delivery within such region on the same market day as or on the market day after the initial cutting of the carcass from which such cuts are derived:

Regions and Permitted Additions

(1) New England; New Jersey; Delaware; Maryland; the District of Columbia; and these portions of New York and Pennsylvania lying east of the 77th meridian, \$1.50 per cwt.

(2) These portions of Pennsylvania and New York lying west of the 77th meridian, \$1.00 per cwt.

(3) Virginia; West Virginia; Kentucky; Ohio; Indiana; Chicago, Illinois; and the lower peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron), \$0.50 per cwt.

(c) For packing in shipping containers:

(1) For domestic shipment (maximum addition permitted: \$0.50 per cwt. No addition permitted where price in Schedule I includes shipping container):

(i) Packing in wood or metal boxes, \$0.50 per cwt.

(ii) Packing in other boxes, barrels, sacks, or burlap wrappings, \$0.25 per cwt.

(iii) Packing in returnable shipping containers of cold wood or metal, \$0.25 per cwt.

(2) For export shipment, U. S. Government specifications: * * *

(iv) Canned products packed for export, 6 cans to the box, U. S. government specifications, \$1.00 per cwt.

(v) Other products for export shipment, U. S. government specifications, \$0.75 per cwt. * * *

(c) For all wholesale pork cuts sold by a hotel supply house to purveyors of meals, \$0.50 per cwt.

(f) For all wholesale pork cuts and dressed hogs sold by wholesalers, \$0.50 per cwt. (as to dressed hogs, this addition may be made to the slaughterer's maximum price computed as provided in Schedule IV of this Appendix A.)

(b) *Definitions.* As used in this regulation, the term

(1) "Packer style" means a dressed hog with the head off, kidneys and leaf fat out, and ham facings off.

(2) "Shipper style" means a dressed hog with the head on, kidneys and leaf fat in, and ham facings on.

(3) "Current Chicago live hog price" of hogs other than oily hogs, stags and boars means the highest price quoted, for live hogs of the applicable weight, in the current Chicago Daily Livestock Market Report of the Agricultural Marketing Administration of the U. S. Department of Agriculture. "Current Chicago live hog price" of oily hogs means a price determined by deducting from the highest price quoted, for live butcher hogs of the applicable weight, in such current report, \$1.00 per cwt. "Current Chicago live hog price" of stags and boars means a price determined by deducting from the highest price quoted for live sows or butcher hogs of the applicable weight, in such current report, \$1.50 per cwt. in the case of stags, and \$4.00 per cwt. in the case of boars. As to all shipments of dressed hogs from points east of the 85th meridian the current report shall be deemed to be that for the third market day preceding shipment of such dressed hogs. As to all shipments of dressed hogs from points west of the 109th meridian the current report shall be deemed to be that for the fifth market day preceding such shipment. As to all shipments of dressed hogs from points east of the 109th meridian and west of the 95th meridian and from points east of the Mississippi River, south of Kentucky and west of the 85th meridian, the current report shall be deemed to be that for the second market day preceding such shipment. As to all shipments of dressed hogs from any other point, the current report shall be deemed to be that for the market day preceding such shipment.

(4) "Designated transportation differential" means a transportation differential determined as provided in subparagraphs (1), (2), (3) and (4) of § 1364.22 (d).

(c) *Price instructions.* Except as provided in § 1364.22 (h), the maximum price for each dressed hog shall be fixed as follows:

(1) Ascertain the weight range applicable to the dressed hog to be priced. (Weight ranges for packer style dressed hogs are in the first column of the table in paragraph (a) of this Schedule IV, and weight ranges for shipper style dressed hogs are in the second column.) Ascertain the related live hog weight classification of such dressed hog (on the same line in the table, but in the third column). Multiply the current Chicago live hog price, for hogs of such related live hog weight classification, by the appropriate seasonal denominator (on the same line in the table, but in one of the last four columns).

Example: A butcher hog dressed shipper style and weighing 190 pounds falls in the 189 to 213 pound weight range and in the 240 to 270 pound related live hog weight classification. If it were slaughtered in New York City and shipped on November 24, 1942, the appropriate seasonal denominator would be 1.315 and the current Chicago live hog price would be that reported for Thursday, November 19, 1942, three market days prior to Tuesday, November 24, 1942 or \$14.00 per cwt. \$14.00 multiplied by 1.315 equals \$18.41.

(2) To the price determined under paragraph (c) (1) of this Schedule, add 25¢ per cwt. if the seller delivers such dressed hog by a local delivery to a point more than 50 miles away from the shipping point.

Example: If in the example stated in paragraph (c) (1), such local delivery were made, 25¢ would be added to \$18.41, giving a price of \$18.66 per cwt.

(3) To the price determined under paragraph (c) (2), add the following permitted fresh kill addition, if the dressed hog is derived from a hog killed in the region where the addition is applicable and delivered by local delivery within such region on the same day as or on the day after killing or sold to the Federal Surplus Commodities Corporation:

Region	Permitted addition per cwt.
(I) New England, New Jersey, Delaware, Maryland, District of Columbia and those portions of New York and Pennsylvania lying east of the 77th meridian	50¢
(II) Those portions of Pennsylvania and New York lying west of the 77th meridian	35¢
(III) Virginia; West Virginia; Kentucky; Ohio; Indiana; Chicago, Illinois; and the local peninsula of Michigan (that part of Michigan lying between Lake Michigan and Lake Huron)	15¢

Example: In the example stated in paragraph (c) (2), if the dressed hog is sold to the Federal Surplus Commodities Corporation, or if local delivery is made to a buyer within the region described in subparagraph (3) (1), 50¢ would be added to \$18.66, giving a price of \$19.16 per cwt.

(4) The maximum price for each dressed hog delivered to the buyer within the Central Price Zone, or delivered outside the Central Price Zone by a local delivery beginning in the Central Price Zone, shall be the applicable price determined under paragraph (c) (1) or (c) (2) of this Schedule.

(5) Except as provided in paragraph (c) (4) of this Schedule, the maximum price for each dressed hog delivered to the buyer in the Chicago Price Zone, or delivered to the buyer outside the Chicago Price Zone and the Central Price Zone by a local delivery beginning in the Chicago Price Zone, shall be the applicable price determined under paragraph (c) (1), (c) (2) or (c) (3) of this Schedule, plus 25¢ per cwt.

(6) Except as provided in paragraphs (c) (4) and (c) (5) of this Schedule, the maximum price for each dressed hog delivered to the buyer outside the Central Price Zone and the Chicago Price Zone shall be the applicable price determined under paragraph (c) (1), (c) (2) or (c) (3) of this Schedule, plus the designated transportation differential.

(d) *Brokers' fees.* The maximum prices fixed pursuant to paragraph (c) of this Schedule IV shall include all charges for brokerage and no addition to such prices may be made for brokers' fees. If the seller pays no brokerage fees on shipments of carload lots, the maximum price shall be reduced by \$0.125 per cwt. If the seller pays brokerage on such shipments in an amount less than \$0.125 per cwt., the maximum price shall be reduced by the difference between the amount of brokerage actually paid by the seller and \$0.125 per cwt.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-627; Filed, January 13, 1943; 11:13 a. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Ration Order 6, Amendment 8]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (b) of § 1404.6 is amended and a new paragraph (h) to § 1404.71 is added as set forth below:

Acquisition of Rubber Footwear by Consumers

§ 1404.6 Eligibility. * * *

(b) *Employer.* Persons having employees whose work is essential as set forth in paragraph (a) (1) of this section and who are exposed to the conditions described in paragraph (a) (2) of this section, when such persons have normally and customarily furnished rubber footwear for the use of such employees in connection with their work and retain title to the rubber footwear so furnished after the termination of the employer-employee relationship. However, in case of flood or other public disaster the Board, with the approval of the State Director, may issue a certificate to a person who meets all the requirements of this paragraph except the requirement that he have normally and customarily furnished rubber footwear to his employees.

Effective Date

§ 1404.71 *Effective dates of amendments.* * * *

(h) Amendment No. 8 (§ 1404.6 (b)) shall become effective January 19, 1943. (Pub. Laws 421 and 729, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562 and Supplementary Directive 1-N, 7 F.R. 7730; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-626; Filed, January 13, 1943; 11:12 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 214 Under § 1499.3 (b) of GMPR]

ELI LILLY AND CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1450 *Approval of maximum prices for sales of "Betalin Complex" by Eli Lilly and Company—(a) Sales by Eli Lilly and Company—(1) Maximum prices.* The maximum prices for sales by Eli Lilly and Company of "Betalin Complex" are established as set forth below:

*Copies may be obtained from the Office of Price Administration.

17 F.R. 7749, 7867, 8363, 8809, 9084, 9736, 10581, 10781.

Size of package:	Maximum price per package	
	To whole- saler	To retailers for account of wholesalers
Six 2-cc ampoules—	\$1.60	\$1.92

(2) *Discounts, allowances, and price differentials.* Eli Lilly and Company shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of "Betalin Complex" all quantity differentials, discounts for different classes of wholesalers, trade practices, credit terms, practices relating to the payment of transportation costs, and any other customary allowances which were in effect in March, 1942, on its sales of "Betalin S."

(b) *Sales by wholesalers.*—(1) *Maximum price.* The maximum price for sales by wholesalers of "Betalin Complex" is established as set forth below:

Size of package:	Maximum price per package	
	To whole- saler	To retailers for account of wholesalers
Six 2-cc ampoules—	\$1.60	\$1.92

When used in this order the term "wholesaler" means any person who buys "Betalin Complex" and resells it, without substantially changing its form to retailers.

(2) *Discounts, allowances, and price differentials.* Any wholesaler making sales of "Betalin Complex" shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March 1942 on sales by the wholesaler of "Betalin S" or on sales of the vitamin B complex or vitamin B₁ ampoule most nearly comparable to "Betalin Complex," if the wholesaler did not sell "Betalin S" in March 1942.

(c) *Sales by retailers.*—(1) *Maximum price.* The maximum price for sales by retailers of "Betalin Complex," except for sales on prescription as provided in subparagraph (3) of this paragraph, is established as set forth below:

Size of package:	Maximum price per package	
	To whole- saler	To retailers for account of wholesalers
Six 2-cc ampoules—	\$1.60	\$2.88

When used in this order the term "retailer" means any person who buys "Betalin Complex" and resells it directly to consumers.

(2) *Discounts, allowances, and price differentials.* Any retailer making sales of "Betalin Complex" shall apply to the maximum price set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, credit terms, practices relating to the payment of shipping charges, and other customary discounts or allowances which were in effect in March 1942 on sales by the retailer of "Betalin S" or on sales of the vitamin B complex or vitamin B₁ ampoule most nearly comparable to "Betalin Complex" if the retailer did not sell "Betalin S" in March 1942.

(3) *Sales on prescription.* The maximum price established by subparagraph (1) of this paragraph shall not apply to

sales on prescription of "Betalin Complex". The maximum price for a sale on prescription of "Betalin Complex" shall be determined by the person making the sale on prescription in accordance with the provisions of § 1499.3 (a) of the General Maximum Price Regulation, except that no report of the maximum price so determined need be filed as required by that section.

(d) *Marking package with retail ceiling price.* Eli Lilly and Company shall mark each package of "Betalin Complex" sold by it with the words "Ceiling Price \$2.88." These words shall be printed or stamped in letters at least one quarter as large as those used for the name of the product on the package in which "Betalin Complex" is customarily sold by the seller at retail to the ultimate consumer when it is not sold on prescription and the type shall be sufficiently bold and the words shall be printed or stamped in a color which sharply contrasts with the background so that the words are clearly legible. No retailer, except a person making a sale on prescription, shall make sales of "Betalin Complex" unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices.*—(1) *By Eli Lilly and Company to wholesalers.* Eli Lilly and Company shall supply to each wholesaler before or at the time of its first delivery of "Betalin Complex" a written notification of the maximum prices established by this order for sales by Eli Lilly and Company and by wholesalers. The written notification shall read as follows:

The OPA has authorized us to charge \$1.60 for each package of six 2-cc ampoules of "Betalin Complex", subject to all customary discounts and allowances to different classes of wholesalers. Wholesalers are authorized to establish a ceiling price of \$1.92 for each package of six 2-cc ampoules of "Betalin Complex", subject to all customary cash discounts and allowances.

(2) *By Eli Lilly and Company to retailers via wholesalers.* Eli Lilly and Company shall include with each shipping unit of "Betalin Complex" for a period of three months a written notification. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. The written notification shall read as follows:

The OPA has authorized wholesalers to charge \$1.92 for each package of six 2-cc ampoules of "Betalin Complex", subject to all customary cash discounts and allowances. Retailers are authorized to establish a ceiling price of \$2.88 for each package of six 2-cc ampoules of "Betalin Complex", except for sales on prescription. The maximum price for sales on prescription shall be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. OPA requires that you keep this notice for examination.

(3) *By Eli Lilly and Company to retailers.* Eli Lilly and Company shall supply to each retailer before or at the time of its first delivery of "Betalin Complex" to such retailer a written statement as follows:

The OPA has authorized us to charge on deliveries to retailers for the account of wholesalers \$1.92 for each package of six 2-cc ampoules of "Betalin Complex". Your ceiling price is authorized to be \$2.88 for each package of six 2-cc ampoules of "Betalin Complex", except for sales on prescription. Maximum prices for sales on prescription must be determined under section 3 (a) of the General Maximum Price Regulation, except that no report of the maximum price need be filed. OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "Betalin Complex" means a package of six 2-cc ampoules, each ampoule of which contains a two cubic centimeter solution of the following amounts of specific vitamin substances:

	Mg.
Vitamin B ₁ (Thiamin Chloride).....	10
Vitamin B ₂ (Riboflavin).....	4
Nicotinamide.....	125
Calcium Pantothenate.....	5
Vitamin B ₆ (Pyridoxine Hydrochloride).....	10

(2) "Betalin S" means a package of six 1-cc ampoules, each ampoule of which contains a one cubic centimeter solution of 60 mg. of vitamin B₁ (Thiamin Chloride).

(g) This Order No. 214 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 214 § 1499.1450) shall become effective on January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-633; Filed, January 13, 1943; 11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES [Order 10 Under Supp. Reg. 15 of GMPR]

VIRGINIA APPLE STORAGE, INC.

Order No. 10 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-2149.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1310 *Adjustment of maximum prices for warehouse services sold by Virginia Apple Storage, Inc.* (a) Virginia Apple Storage, Inc., of Winchester, Virginia, may sell and supply, and any person may buy and receive from Virginia Apple Storage, Inc., the following services at charges not higher than those set forth below:

(1) Handling and cold storage of beer, 20¢ per half-barrel for the time it remains in storage.

(2) Handling and cold storage of dried fruit, 30¢ per hundred pounds per season, for the season commencing with the re-

ceipt of the fruit in the fall and ending on the following March 31.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 10 (§ 1499.1310) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 10 (§ 1499.1310) shall become effective January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-628; Filed, January 13, 1943;
11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 157 Under § 1499.18 (b) of GMPR]

CARBIC COLOR AND CHEMICAL CO., INC.

Order No. 157 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-81.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1058 *Adjustment of maximum price for sales of certain Novochrome Brilliant Green FB by Carbic Color and Chemical Company, Inc.* (a) The maximum price for sales by Carbic Color and Chemical Company, Inc., New York City, of Novochrome Brilliant Green, FB, imported by it prior to April 1, 1942, shall be \$5.23 per pound, f. o. b. New York City.

(b) All discounts, allowances, and trade practices in effect during March, 1942 with respect to sales of Novochrome Brilliant Green FB by Carbic Color and Chemical Company, Inc., New York City, shall remain in effect under this Order No. 157.

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 157 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 157 (§ 1499.1058) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 157 (§ 1499.1058) shall become effective January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-630; Filed, January 13, 1943;
11:09 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 158 Under § 1499.18 (b) of GMPR]

VULCAN CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1059 *Denial of application for adjustment of maximum price of wood heels sold by Vulcan Corporation, Portsmouth, Ohio.* (a) The application of Vulcan Corporation, Portsmouth, Ohio, docketed July 23, 1942, and assigned Docket No. GF3-852, requesting permission to increase its maximum prices of wood heels is denied.

(b) This Order No. 158 (§ 1499.1059) shall become effective January 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-631; Filed, January 13, 1943;
11:11 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 159 Under § 1499.18 (b) of GMPR]

NEPTUNE MANUFACTURING

Adjustment of maximum prices under § 1499.18 (b) of the General Maximum Price Regulation, Order 159—Docket No. GF3-2417.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1060 *Adjustment of maximum prices for construction specialties manufactured by the Neptune Manufacturing Company.* (a) On and after the effective date of this order, the maximum prices that may be charged by Neptune Manufacturing Company of Los Angeles, California, for construction equipment manufactured by it shall be the prices set forth in price list No. 32, issued by it in April of 1942, a copy of which has been received and is on file with this office.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 159 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 159 (§ 1499.1060) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 159 (§ 1499.1060) shall become effective January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-632; Filed, January 13, 1943;
11:09 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 11 Under Supp. Reg. 15 of GMPR]

FRUIT BELT MOTOR SERVICE, INC.

Order No. 11 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-1231.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1311 *Adjustment of maximum prices for contract carrier services sold by Fruit Belt Motor Service, Inc.* (a) Fruit Belt Motor Service, Inc., 1001 Pipestone Street, Benton Harbor, Michigan, may sell and deliver contract carrier services to Sears Roebuck & Company at its highest March prices plus an increase, in the case of each rate, not to exceed two-thirds of the amount of each increase appearing in its schedule MF-ICC No. 7 (effective May 7, 1942). Where fractions result an adjustment may be made to the nearest one-half cent.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 11 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 11 (§ 1499.1311) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 11 (§ 1499.1311) shall become effective January 14, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-629; Filed, January 13, 1943;
11:11 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

PART 136—"A" MARINE INVESTIGATION BOARD RULES

NOTICE OF CASUALTY AND VOYAGE RECORDS Correction

The form number appearing in the last line of § 136.103 (page 10866, issue of Friday, December 25, 1942) should read "Form NCG 924c" instead of "Form NCG 924c".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE RATE INCREASES

The Commission, on January 12, 1943, effective immediately, adopted the following new section:

§ 1.482 *Rate increases; furnishing to Commission of data furnished to Office of Price Administration.* Any common carrier which proposes an increase in its rates or charges subject to the jurisdiction of the Commission, which is a "general increase" within the meaning of the regulations issued by the Office of Price Administration under the Emergency Price Control Act, as amended, shall furnish to this Commission, concurrently with the furnishing thereof to the Office of Price Administration, two copies of any notice or other data such carrier may furnish to that agency in connection

with such general increase. (Sec. 4 (1), 48 Stat. 1068; 47 U.S.C. 154 (1))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-645; Filed, January 13, 1943;
11:36 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order ODT 21, Amendment 4]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART M—CERTIFICATES OF WAR NECESSITY FOR AND CONTROL OF COMMERCIAL MOTOR VEHICLES

Pursuant to Executive Orders 8989, 9156, and 9294, § 501.97, General Order ODT 21, as amended,¹ is hereby amended to read as follows:

§ 501.97 *Inspection of tires.* On and after February 28, 1943, no person shall operate any commercial motor vehicle, unless within the sixty (60) days immediately preceding such operation, or, in the event such motor vehicle has been operated more than five thousand (5,000) miles during such period, unless within the five thousand (5,000) miles last operated by such vehicle, all tires mounted upon the wheels thereof or carried for use on such vehicle have been inspected by an inspection agency designated by the Office of Price Administration, and unless such inspection agency has certified that such person has made all reasonable and necessary adjustments, repairs, retreading, recapping, replacement of parts or tires, and realignment of wheels, found by such inspection agency to be necessary to conserve and providently utilize such tires, unless such operator is unable, under then existing rationing regulations, to make such repairs, retreading, recapping or replacement of parts or tires.

This amendment shall become effective on January 15, 1943. (E.O. 8989, 9156, 9294; 6 F.R. 6725, 7 F.R. 3349, 8 F.R. 221).

Issued at Washington, D. C., this 12th day of January 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 43-598; Filed, January 12, 1943;
1:09 p. m.]

[Exemption Order ODT 21-4]

PART 521—CONSERVATION OF MOTOR EQUIPMENT, EXCEPTIONS, PERMITS AND EXEMPTIONS

SUBPART M—CERTIFICATES OF WAR NECESSITY

CERTAIN SPECIAL TRAILERS

Pursuant to Executive Orders 8989 and 9156, it is hereby ordered, That:

¹ 7 F.R. 7100, 9006, 9437, 10025.

§ 521.3503 *Partial exemption of certain special trailers.* Platform trailers, pole trailers, house hauling trailers, boat trailers, transformer oil tank trailers, live electric line tool trailers equipped with solid rubber tires or pneumatic tires, and other rubber-tired trailers the structure of which makes it impracticable to mount or otherwise carry on the vehicle the certificate of war necessity or fleet unit certificate pertaining thereto, are hereby exempted from the provisions of paragraph (c) of § 501.93 of General Order ODT 21, as amended: *Provided*, That each such certificate pertaining to a vehicle exempted hereby shall be kept available for inspection at the office or other place of business of the owner or operator of said vehicle at which are customarily kept the transportation records pertaining to the operation of said vehicle.

This exemption order (§ 521.3503) shall become effective January 13, 1943, and shall remain in full force and effect until further order. (E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349; Gen. Order ODT 21, 7 F.R. 7100, 9006, 9437, 10025)

Issued at Washington, D. C. this 13th day of January, 1943.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 43-646; Filed, January 13, 1943;
11:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-323]

SHELBY COAL Co., Inc.

ORDER WITHDRAWING NOTICE OF AND ORDER FOR HEARING, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of Shelby Coal Company, Inc., registered distributor, Registration No. 8320, and W. K. Jenne, an individual doing business under the name and style of Shelby Coal Co., registered distributor, Registration No. 4797.

The above-entitled matter having been instituted by Notice of and Order for Hearing dated September 16, 1942, and the hearing herein having been indefinitely postponed by subsequent Order of the Director to a date and place to be thereafter designated by an appropriate order; and

It appearing that the certificates of registration of said Shelby Coal Company, Inc., and said W. K. Jenne as registered distributors having been revoked by order of the Director issued in Docket No. D-15 on November 25, 1942:

Now, therefore, it is ordered, That the said Notice of and Order for Hearing dated September 16, 1942, be and the same is hereby withdrawn, and that the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: January 9, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-596; Filed, January 12, 1943;
12:31 p. m.]

[Docket No. 1717-ED]

SHELBY COAL Co.

ORDER DISMISSING COMPLAINT, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of Shelby Coal Company (W. K. Jenne), registered distributor, Registration No. 4797.

The above-entitled matter having been instituted by a complaint of Ferguson Creek Coal Company, Pikeville, Kentucky, filed with the Division on June 6, 1941, a hearing thereon having been scheduled by Notice of and Order for Hearing issued herein on July 23, 1941, and said hearing having been indefinitely postponed by subsequent order of the Director to a date and place to be thereafter designated by an appropriate order; and

It appearing that the certificate of registration of said Shelby Coal Company (W. K. Jenne) as a registered distributor having been revoked by order of the Director issued in Docket No. D-15 on November 25, 1942:

Now, therefore, it is ordered, That the said complaint filed with the Division on June 6, 1941, be and the same hereby is dismissed, and that the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: January 9, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-597; Filed, January 12, 1943;
12:31 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Suspension Order 184]

COCA COLA BOTTLING COMPANY OF JAMESTOWN

ORDER RESTRICTING TRANSACTIONS

The Coca Cola Bottling Company of Jamestown, Jamestown, North Dakota, a corporation, hereinafter called respondent, was duly served with a notice of specific charges of violations of Rationing Order No. 3, Sugar Rationing Regulations, issued by the Office of Price Administration. Pursuant to the notice, a hearing upon the charges was held in Bismarck, North Dakota, on November 16, 1942. There appeared a representative of the Office of Price Administration and respondent. The evidence pertaining to the charges was presented before an authorized presiding officer. The matter having been considered by the Deputy Administrator in Charge of Rationing, it is hereby determined that:

(a) Respondent is an industrial user of sugar, doing business at 109 Second Avenue, S. E., Jamestown, North Dakota, and is engaged in the business of manufacturing soft drink beverages for sale at wholesale.

(b) Respondent has violated Rationing Order No. 3, Sugar Rationing Regulations (§§ 1407.63 and 1407.84), in that in registering as industrial user of sugar on OPA Form R-310 respondent declared that the inventory of sugar owned by it on April 23, 1942, was 14,400 pounds, whereas the inventory of sugar owned by respondent on that date was, in fact, 30,130 pounds, as respondent then knew.

(c) Respondent has violated Rationing Order No. 3, Sugar Rationing Regulations, (§§ 1407.83 and 1407.85), in that on April 28, 1942, in registering as an industrial user of sugar, respondent declared on OPA Form R-310 that it used monthly quantities of sugar aggregating 109,400 pounds during the year 1941 in the production of bottled beverages, flavoring extracts and syrups; whereas, in fact, respondent used only 72,216 pounds of sugar during said year for such purposes as respondent then knew.

(d) By means of the misrepresentations made by respondent on OPA Form R-310 filed on April 28, 1942, concerning respondent's inventory of sugar on April 28, 1942, and the amount of sugar used by it during each of the twelve months of the year 1941, respondent obtained sugar purchase certificates for 25,350 pounds to which it was not entitled.

(e) Respondent has violated Rationing Order No. 3, Sugar Rationing Regulations, (§ 1407.141), in that on July 28, 1942, it assigned and transferred sugar purchase certificate No. C-29531488, having a weight value of 5,800 pounds, to the M. A. Nashold Company, a corporation, without receiving sugar in exchange therefor.

(f) On September 18, 1942, respondent, in filing an amended registration as an industrial user of sugar, declared on OPA Form R-310 that it used monthly quantities of sugar aggregating 84,116 pounds during the year 1941 in the production of bottled beverages, flavoring extracts and syrups; whereas, in fact, respondent used only 72,216 pounds of sugar during said year for such purposes.

Because of the great scarcity and critical importance of sugar in the United States, respondent's violations of Rationing Order No. 3, Sugar Rationing Regulations, have resulted in the diversion of sugar from military and essential civilian uses into non-essential uses, in a manner contrary to the public interest and detrimental to the national war effort. It appears to the Deputy Administrator in Charge of Rationing that further violations by respondent are likely unless appropriate administrative action is taken. *It is therefore ordered:*

(g) The amended registration filed by respondent on or about September 18, 1942, is hereby cancelled; but respondent may re-register as an industrial user of sugar and shall show in such registration the actual amount of sugar used by it for industrial purposes during each month of the year 1941.

(h) 50,700 pounds of sugar shall be deducted from the weight value of the sugar purchase certificates that respondent would otherwise be entitled to receive under the sugar rationing regulations upon his re-registration in accordance with paragraph (g) hereof. Respondent shall not receive any sugar purchase certificates until 25,350 pounds of this amount have been deducted. Deduction of the balance of 25,350 pounds may be spread over several allotment periods, but in no allotment period shall respondent be granted sugar purchase certificates for more than fifty per cent of its allotment for such period until such

time as deductions have been made for the entire balance of 25,350 pounds.

(i) Any terms used in this Suspension Order No. 184 that are defined in the sugar rationing regulations shall have the meaning therein given them.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9125 (7 F.R. 2719); W.P.B. Directive No. 1 (7 F.R. 562); W.P.B. Supplementary Directive No. 1E (7 F.R. 2965))

Issued and effective this 13th day of January 1943.

PAUL M. O'LEARY,
Deputy Administrator
in Charge of Rationing.

[F. R. Doc. 43-638; Filed, January 13, 1943;
11:10 a. m.]

[Order 2 Under MPR 19]

WILLIAMS FURNITURE CO.

ORDER DISMISSING APPLICATIONS FOR ADJUSTMENT

Order No. 2 under Maximum Price Regulation No. 19—Southern Pine Lumber.

On the 20th day of October 1942, Williams Furniture Company, Sumpter, South Carolina, filed two applications for adjustment of the maximum prices established by Maximum Price Regulation No. 19 for certain Southern pine lumber.

Due consideration has been given to the applications, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Secretary of the Office of Price Administration.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator and in accordance with the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Procedural Regulation No. 6: *It is ordered*, That Applications Nos. 3019-6 and 3019-7 be and the same hereby are denied.

Unless a request for review is filed, any contracts entered into by the Williams Furniture Company at the prices requested in the Application shall be revised in accordance with the terms of this order and payments made to the Williams Furniture Company in excess of the maximum prices authorized by this Order shall be refunded to the purchasers, and, within 30 days after the date on which this order was mailed to it, the applicant shall file a statement with the regional office with which the Applications were originally filed to the effect that such contracts were revised in accordance with the terms of this order and that, wherever required, refunds were made. If a request for review is filed the provisions of § 1300.401 of Procedural Regulation No. 6 shall govern.

Issued and effective this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-634; Filed, January 13, 1943;
11:09 a. m.]

[Amendment 1 to Order 27 Under MPR 123]

C. K. SMITH AND COMPANY

ORDER GRANTING ADJUSTMENT

Amendment No. 1 to Order No. 27 under Maximum Price Regulation No. 122—Solid Fuels Delivered from Facilities Other Than Producing Facilities—Dealers—Docket No. 3122-39.

Paragraph (d) of Order No. 27 under Maximum Price Regulation No. 122¹ is amended to read as follows:

(d) This Order No. 27 shall be effective as of June 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-637; Filed, January 13, 1943;
11:10 a. m.]

[Order 7 Under MPR 127]

J. WEINSTEIN & SONS, INC.

ORDER GRANTING EXCEPTION

Order No. 7 under Maximum Price Regulation No. 127—Finished Piece Goods—Docket No. 3127-486.

On June 25, 1942, J. Weinstein & Sons, Inc., (herein referred to as Petitioner), 251-255 Fourth Avenue, New York, New York, filed a petition for exception pursuant to § 1400.82 (1) (3) of Maximum Price Regulation No. 127. Consideration has been given to the petition and an opinion in support of this Order No. 7 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Petitioner is granted an exception from the provisions of § 1400.82 (1) (2) (v) of Maximum Price Regulation No. 127, to the extent that it may concurrently:

(1) Convert and sell, in finished form, grey goods purchased prior to May 4, 1942, and

(2) Charge a jobber's markup on sales of goods purchased in a finished state.

(b) The exception granted in paragraph (a) above, shall be subject to the following conditions:

(1) Petitioner shall file with the Office of Price Administration, Washington, D. C., within 15 days following the date of issuance of this order, a report showing the total yardage of grey goods that petitioner has on hand which were purchased prior to May 4, 1942.

(2) Petitioner shall file with the Office of Price Administration, Washington, D. C. on or before the 15th day following the last sale of those goods converted from the inventory purchased prior to May 4, 1942 a report showing the total

¹ 7 F.R. 8370.

yardage and dollar volume of sales of finished piece goods converted and sold from said inventory.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 7 may be revoked or amended at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) This Order No. 7 shall become effective January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-636; Filed, January 13, 1943;
11:10 a. m.]

[Order 4 Under MPR 136 as Amended]

CHRYSLER CORPORATION

ORDER GRANTING IN PART AND DENYING IN PART

Order No. 4 under Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services—Docket No. 3136-171.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, and Procedural Regulation No. 6, it is hereby ordered:

(a) Chrysler Corporation of Detroit, Michigan is hereby authorized to enter into, offer to enter into and carry out contracts with the United States or any agency thereof covering the following marine engines at prices not in excess of the maximum prices set opposite each engine listed below:

	Model No.	Standard rotation	Opposite rotation
Crown Marine Engine			
Reverse Gear.....		\$388.00	\$394.00
Reduction Gear.....	1.43	433.00	444.00
Reduction Gear.....	1.93	438.00	445.00
Reduction Gear.....	2.73	449.00	455.00
Reduction Gear.....	3.46	481.00	487.00
Reduction Gear.....	4.91	553.00	564.00
Reduction Gear, "V" Type.....	1.43	512.00	519.00
Reduction Gear, "V" Type.....	2.63	513.00	519.00
Royal Marine Engine			
Reverse Gear.....		\$510.00	\$513.00
Reduction Gear.....	1.43	595.00	595.00
Reduction Gear.....	2.03	605.00	605.00
Reduction Gear.....	2.51	620.00	620.00
Reduction Gear.....	3.17	627.00	627.00
Reduction Gear.....	4.48	716.00	713.00

(b) To the extent that the application for adjustment filed by the Chrysler Cor-

poration has not been granted by this order, the application is denied.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

(d) This order shall become effective January 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-635; Filed, January 13, 1943;
11:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-47, and 54-63]

REPUBLIC SERVICE CORP., ET AL.

NOTICE AND ORDER SPECIFYING CERTAIN ISSUES TO BE CONSIDERED AT RECONVENED HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of January, 1943 A. D.

In the matter of Republic Service Corporation and its subsidiaries, respondents.

The Commission having by orders dated May 9 and June 17, 1942, instituted proceedings against Republic Service Corporation and its subsidiaries under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935; hearings have been held thereon from time to time; the Trial Examiner having continued the hearings to 10:00 a. m., January 18, 1943, at the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania;

It appearing appropriate at this time to consider what action should be taken by the Commission pursuant to sections 11 (b) (1) and 11 (b) (2) of the Act on the basis of the record already adduced and to be adduced at such reconvened hearing:

It is ordered, That without limiting the scope of issues to be considered in the proceeding evidence will be adduced and consideration will be given at the reconvening of the hearing to the following issues:

1. Whether the Commission should enter an order forthwith pursuant to section 11 (b) (1) of the Act requiring the divestment by Republic Service Corporation of all interests held by it, directly or indirectly, in the businesses conducted and properties owned by Page Power Company, Madison Power Company, Massanutten Power Corporation, Massanutten Water Corporation, Holston River Power Company, Lehigh Ice Company, and Susquehanna Ice Company.

2. Whether the Commission should enter an order forthwith pursuant to section 11 (b) (2) of the Act requiring the recapitalization of Republic Service Cor-

poration so as to ensure that the corporate structure of Republic Service Corporation does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of the Republic Service Corporation holding company system.

Notice of the issues thus to be considered is hereby given to the Respondents, to the other interested parties, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-633; Filed, January 12, 1943;
2:37 p. m.]

[File No. 59-9]

STANDARD POWER AND LIGHT CORP., ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of January, A. D. 1943.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company and subsidiary companies thereof, respondents.

The Commission having by an order dated August 8, 1941, entered in the above styled and numbered matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed Standard Gas and Electric Company, a registered holding company, to dispose of its interest in certain companies as designated therein; and having by the terms of said order reserved jurisdiction to enter such further orders as it might deem necessary or appropriate; and

The respondent, Standard Gas and Electric Company, having filed an application pursuant to section 11 (c) of said Act for an extension of time for the period of one year within which to comply with said order of August 8, 1941; and

The Commission having found that Standard Gas and Electric Company has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date thereof, and that an extension of time is necessary and appropriate in the public interest and for the protection of investors;

It is ordered, That Standard Gas and Electric Company be and it is hereby granted an additional period of one year from August 8, 1942, within which to comply with said order of August 8, 1941.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-633; Filed, January 12, 1943;
2:37 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction

tion of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 12, 1943.

ERNEST KANZLER,

Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation
P-10-e	34441-E	Pennsylvania Department of Highways, Harrisburg, Pa.	Pennsylvania, SN-FA 233-A (2) (1941) SN-FA 930-B (1) (1943).	1/8/43
P-10-o	12030-E	Ohio Department of Highways, Columbus, Ohio.	Ohio, SN-FAP 1030-B (1).....	1/8/43
P-10-o	12032-E	Ohio Department of Highways, Columbus, Ohio.	Punfield, Ohio, SN-FAP 1030-G (1) 488-C (2) & 488-B (3).	1/8/43
P-10-o	20852-E	New Mexico State Highway Commission, Santa Fe, N. Mex.	New Mexico, SN-FAP 10-C (1).....	1/8/43
P-10-o	15092-E	Illinois Department of Public Works and Buildings, Division of Highways, Springfield, Ill.	Williamsville, Ill. SN-FA 26 (25) (2).	1/8/43
P-10-o	32749	Illinois Department of Public Works and Buildings, Division of Highways, Springfield, Ill.	Illinois, SN-FA 25J (1), Roadway.	1/8/43
P-10-h	28563	American Road Products Corporation, Chicago, Ill.	Klamath Falls, Ore.....	1/6/43
P-10-a	2507-A	Telephone Corporation, Erie, Pa.	Oil City, Pa.....	1/6/43

[F. R. Doc. 43-604; Filed, January 12, 1943; 4:04 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain revocation orders listed in Schedule A below partially revoking preference rating orders issued in connection with, and partially stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project, and

delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 12, 1943.

ERNEST KANZLER,

Director General for Operations.

SCHEDULE A

Preference rating order	Serial No.	Name and address of the builder	Project affected	Date of issuance of revocation
P-10-o	120-E	State Highway Commission of Montana, Helena, Mont.	Montana, Mont. FAP 328-I (1) (Unit 3)	1/8/43
P-10-o	218-E	Louisiana Department of Highways, Baton Rouge, La.	Lake Bruin, La. Floodway 3 (1) Floodway 4 (1)	1/8/43
P-10-o	236	Dawson State Highway Department, Dawson, Ga.	Elmore, Ga. FAGM 166 D (1).....	1/8/43
P-10-o	642-E	Colorado, State Highway Department, Denver, Colo.	De Beque, Colo. SN-FAGH 210-D (1)	1/8/43
PD-2	C-77804	Produce Terminal Corporation, Chicago, Ill.	Pewaukee, Chicago, Ill.....	1/6/43
PD-1	15116			

[F. R. Doc. 43-606; Filed, January 12, 1943; 4:04 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 12, 1943.

ERNEST KANZLER,

Director General for Operations.

SCHEDULE A

Name and address of the builder	Project affected	Date of issuance of stop construction order
South Carolina State Hwy. Dept., Columbia, S. C.	Westminster, S. C. SN-FAP 312-C (1).	1/8/43

[F. R. Doc. 43-606; Filed, January 12, 1943; 4:04 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS PARTIALLY REVOKING AND PARTIALLY STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain orders partially stopping construction and partially revoking application preference ratings stopping the construction of the project affected and partially revoking the ratings applicable thereto which orders are listed in Schedule A below. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 12, 1943.

ERNEST KANZLER,

Director General for Operations.

SCHEMULE A

Name and address of builder	Project affected	Date of issuance of revocation order
U. S. Department of Commerce, Civil Aeronautics Administration, Washington, D. C.	Alport Development Project, Devil's Lake, N. Dak.	1/4/43
U. S. Department of Commerce, Civil Aeronautics Administration, Washington, D. C.	Alport Development Project Montpelier, Idaho.	1/4/43
U. S. Department of Commerce Civil Aeronautics Administration, Washington, D. C.	Alport Development Project, Santa Fe, N. Mex.	1/4/43
U. S. War Department Corps of Engineers, Washington, D. C.	Flood Control Project, Wallace Lake Reservoir, La. Ohio.	1/4/43
U. S. War Department Corps of Engineers, Washington, D. C.	Flood Control Project, Cincinnati, Ohio.	1/4/43
U. S. War Department Corps of Engineers, Washington, D. C.	Flood Control Project, John Martin Reservoir, Colo.	1/4/43
U. S. War Department Corps of Engineers, Washington, D. C.	Flood Control Project, Massillon, Ohio.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Paducah, Ky.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Plymouth, Pa.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, York, Pa.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Kansas City, Mo., and Kansas.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Memphis, Tenn.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Wolf Creek Reservoir, Ky.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Bluckstone Reservoir, Va.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Flood Control Project, Wilkes-Barre and Harver, Pa.	1/4/43
U. S. War Department, Corps of Engineers, Washington, D. C.	Los Angeles and Long Beach Harbors, Calif.	1/4/43

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The Director General for Operations of the War Production Board has issued certain orders stopping construction and revoking applicable preference ratings stopping the construction of the project

ERNEST KAPZLER,

Director General for Operations.
EMERSON UNIVERSITY,

SCHEDULE A		
Name and address of builder	Project affected	Date of issuance of revocation order
U. S. Dept. of Commerce, Washington, D. C.	Airport Development Project, Saranac Lake, N. Y.	1/1/53
U. S. Dept. of Commerce, Washington, D. C.	Airport Development Project, Miami, Virginia Key (Miami Number Two) Fla.	1/1/53
U. S. Dept. of Commerce Civil Aeronautics Administration, Washington, D. C.	Lighting Facilities, Purcell, Okla.	1/1/53
U. S. Dept. of Commerce, Civil Aeronautics Administration, Washington, D. C.	Lighting Facilities, Blanchard, Okla.	1/1/53

SCHEDULE A—Continued

Name and address of builder	Project affected	Date of issuance of revocation order
U. S. War Dept., Corps of Engineers, Washington, D. C.	Birch Hill, Reservoir, Mass.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Knightsville Reservoir, Mass.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Tilboe Creek, Miss. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Memphis, Tenn. (Sections 1, 2, 5, 6 and 7)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Natchitoches Parish, La.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Hatchie River, Miss. and Tenn. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Oblion River, Tenn. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Bayou Gallon, La. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Bear Creek, Miss. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Big Black River, Miss. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Big Creek, La. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Cross, Canoy, Black and Kimball Bayous, La. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Little Creek, La. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Quiver River, Miss. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Yalobusha River, Miss. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Lavaca River, Tex. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Trinity River, Tex. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Blue Mountain Reservoir, Ark.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Clearwater Reservoir, Mo.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Lac Qui Parle Reservoir, Minn.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Columbia Drainage and Love District, Ill.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Green Bay Levee and Drainage District, Iowa	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Mounds and Mound City, Ill.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	San Gabriel River Channel, Calif.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Sacramento River, Calif. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Stony Creek, Calif. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Napa River, Calif. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Malheur River, Oreg. (Snagging)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Westport District, Oreg.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Dorona Reservoir, Oreg. (Relocations)	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project—Columbia River, Vancouver, Washington, to Bonneville, Oreg.	1/6/43

SCHEDULE A—Continued

Name and address of builder	Project affected	Date of issuance of revocation order
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project—Crane Island Anchorage, Norfolk Harbor, Va.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, New Bedford Harbor, Mass.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Bridgeport Harbor, Conn.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Old River, Calif.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, San Joaquin River, Calif.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Ohio River	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(a) Dredging at Washington Island Creek Bar.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(b) Dredging at Little Creek Bar.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(c) Dredging at Little Creek Bar.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(d) Access to Dredging Locks.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Mississippi River between Missouri and Minneapolis, Minn.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(a) Landward Lock #2, Hastings.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(b) Pilot Channels at Locks 13, 14, 17, 18, 21.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	(c) Channel markers, Peels 21 and 23.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Hudson River, N. Y., Contracts, W-1007—Eag. 1017 and 2037.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Potomac River, North Side of Washington Channel, District of Columbia.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Liberty Island Anchorage, New York Harbor.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Thames River, Conn.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	Portsmouth-New Boston, Ohio, Sections 4 to 6, inclusive.	1/6/43
U. S. War Dept., Corps of Engineers, Washington, D. C.	River and Harbor Project, Fort Peck Navigation.	1/8/43

[F. R. Doc. 43-608; Filed, January 12, 1943; 4:05 p. m.]

RESTORATION AND AMENDMENT OF PREFERENCE RATING

Preference Rating Order P-19-h, Serial No. 25530. Name of builder: Federal Works Agency, North Interior Building, Washington, D. C. Project: WPW 6-166, East Hartford, Connecticut.

The revocation issued December 24, 1942 of the above serially numbered preference ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect, as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on June 30, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 12, 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-609; Filed, January 12, 1943; 4:05 p. m.]